



John Carter Brown.

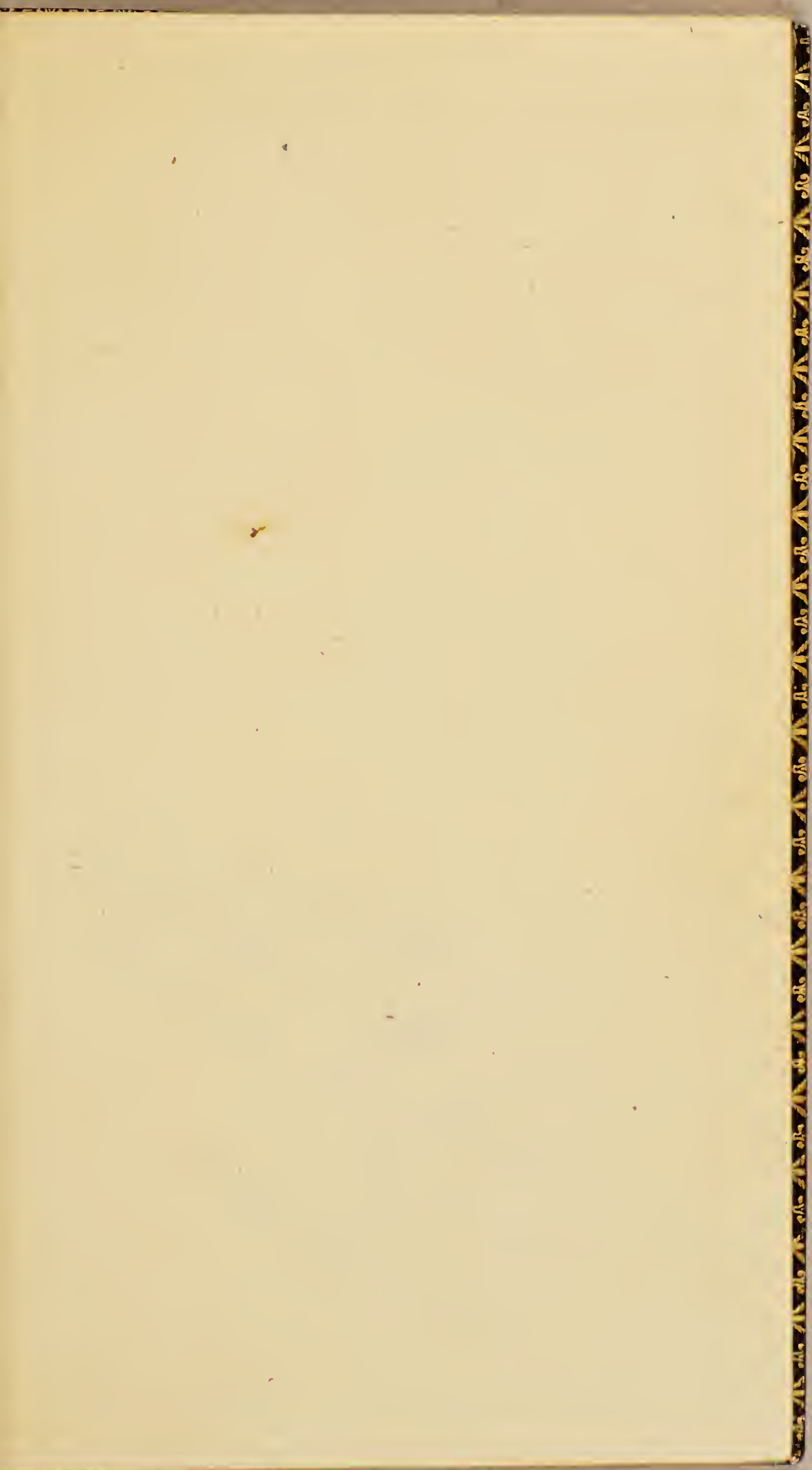


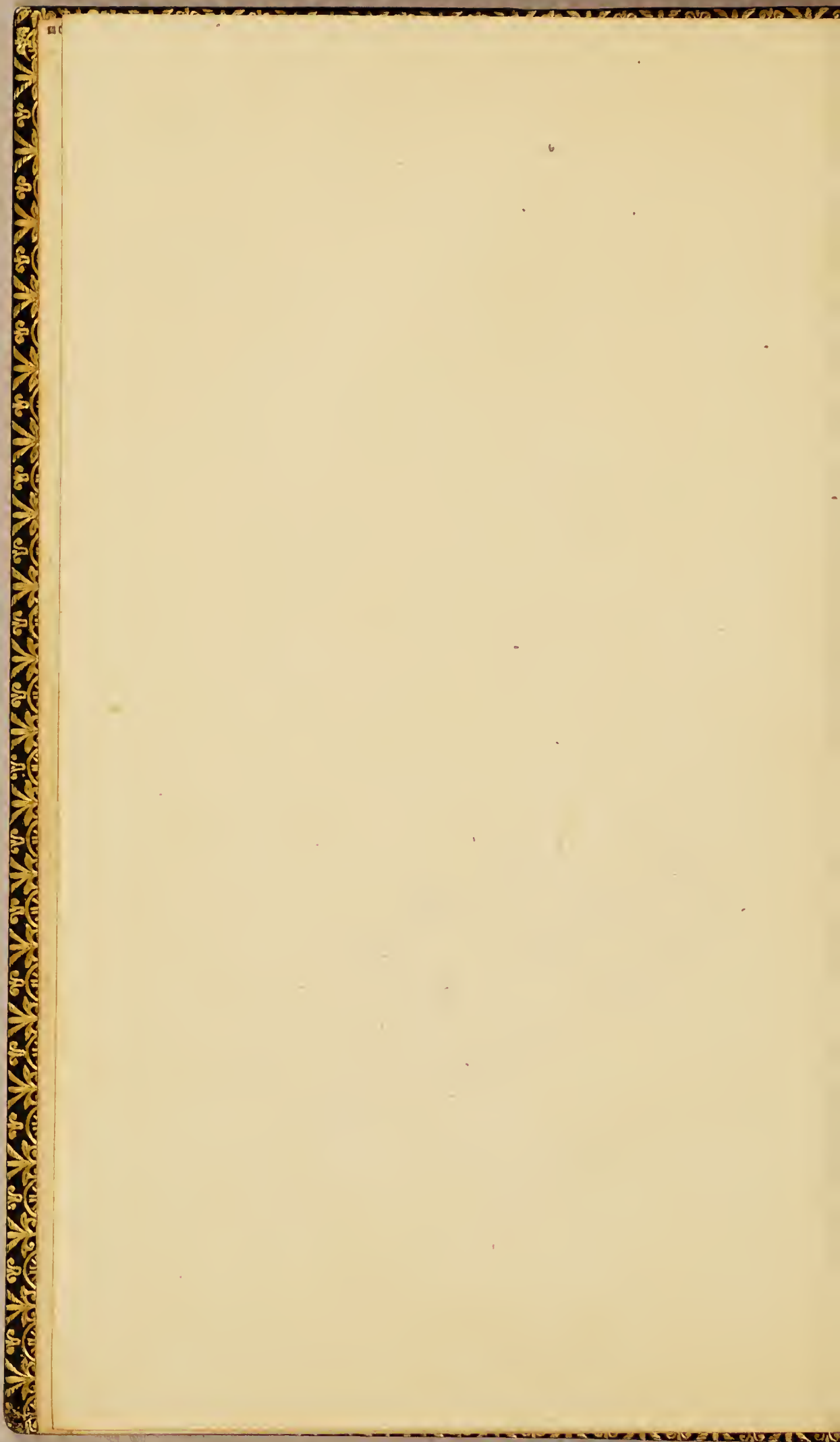
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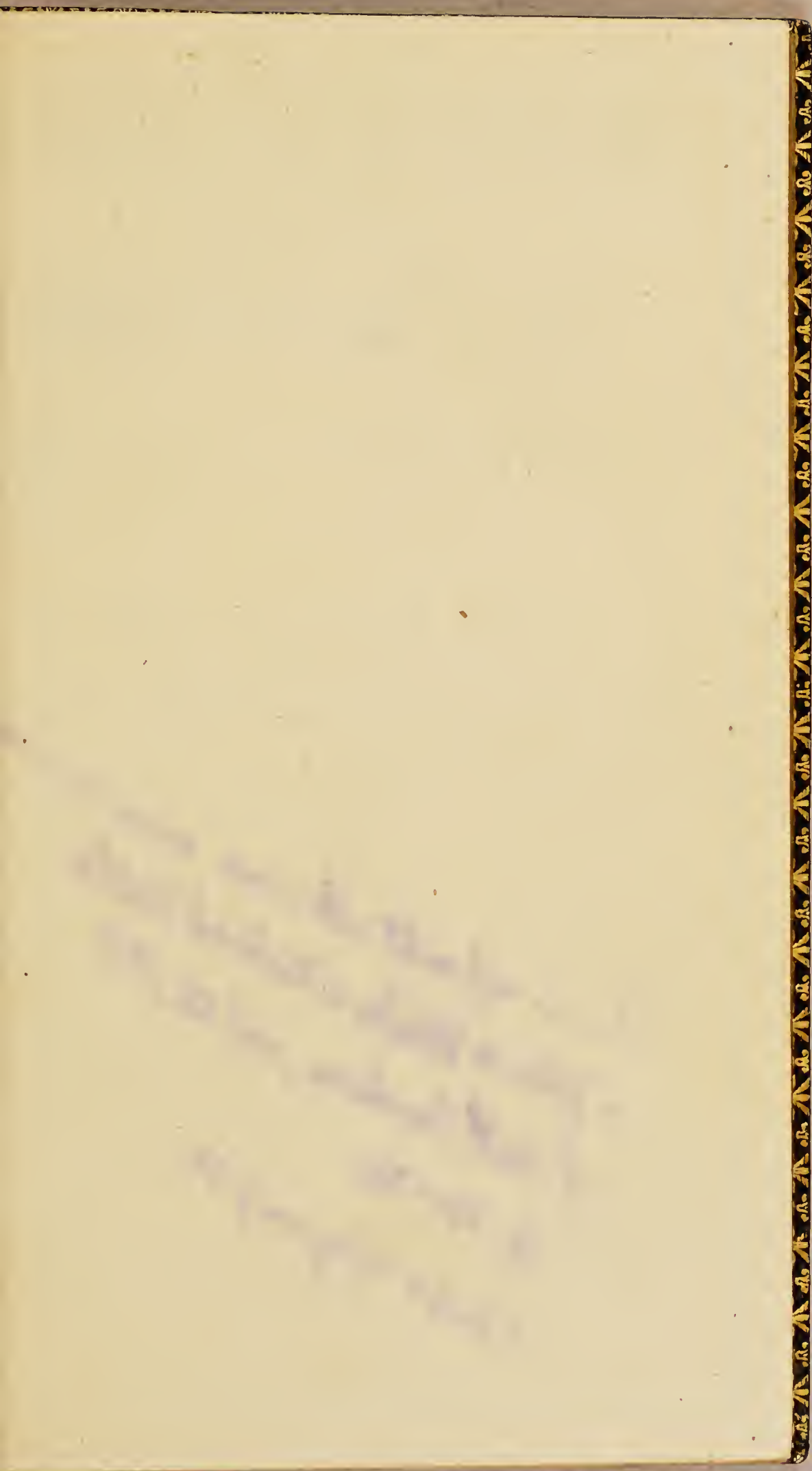
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By Herman Husband
on
Common Inheritance

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An Impartial

RELATION

OF THE

First Rise and Cause

OF THE

RECENT DIFFERENCES,

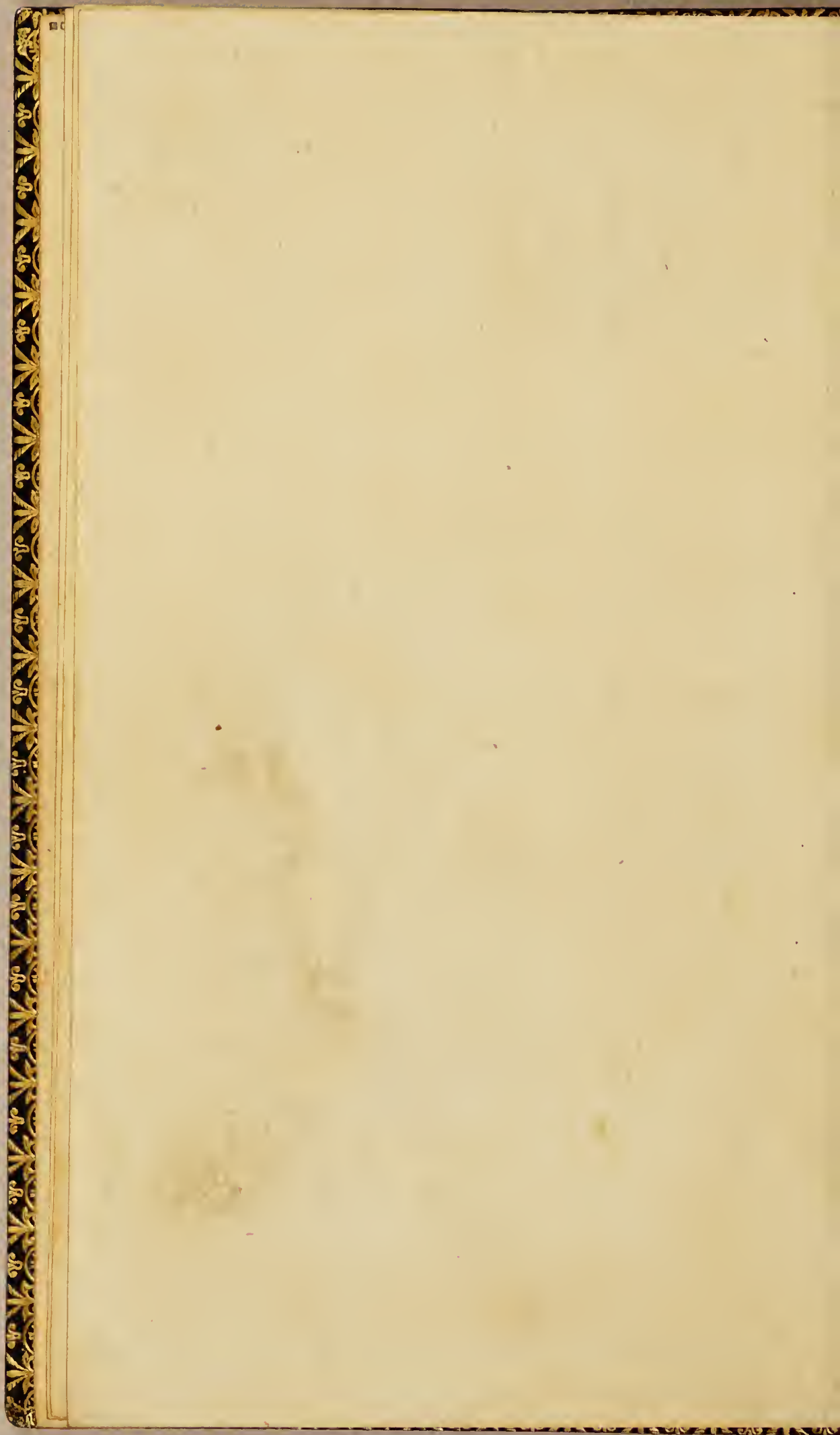
IN

PUBLICK AFFAIRS,

In the Province of *North-Carolina*; and of the past *Tumults* and *Riots* that lately happened in that Province.

Containing most of the true and genuine Copies of Letters, Messages and Remonstrances, between the Parties contending: — By which any impartial Man may easily get and see the true Ground and Reasons of the Faction that universally reigns all over the Province in a more or less Degree.

Printed for the Compiler, 1770.



TO THE
READER.

THE Author does not think it necessary to set his Name to this Work, as it contains Copies of such Letters and Papers that passed between the Parties at Difference, with Minutes of what passed at several Courts, in View and Hearing of the Publick; and other Matters of Fact, that are so well known in that Province (for whose use it is chiefly designed) that the Truth of the Whole, I presume, cannot be attempted at to be denied. But if it should happen otherwise, this I am sure of, that I never can be convicted in myself of wilfully or knowingly either to have concealed or set forth one Untruth. And likewise, that I have been so well acquainted with the whole Affair, that I think no one Man in the Province

Province could give a better Relation of the Matter.

It would exceed the Bounds of what I could be able to pay for Printing to give a Copy of all the Papers, as there were so many Persons on each Side employed in Writing, and addressing the Inhabitants, in order to gain the strongest Party. But such, and so many of them as were signed by, and in the Name of the Body of the People, who assembled in publick Council, and such as were written to them again by publick Authority, I have not omitted any that I could procure the Copies of. And such as I heard of, but could not procure the Copies, I have mentioned in their Order.

I shall add no farther Preface or Apology to this Work, but submit the same, in Confidence that my Aim is the Good of all, and every honest Man, and the Detection of Hypocrites and Rogues of the worst Sort, who rob and plunder Provinces, under Colour of Law and Authority, to administer Justice.

An Impartial

RELATION

OF THE

First Rise and Cause

OF THE

Present Differences in Publick

Affairs in the Province of *North-Carolina*, &c.

IN *Orange* County the first Disturbance is generally ascribed to have arisen; but *Granville* and *Hallifax* Counties were deeply engaged in the same Quarrel many Years before *Orange*: So that it may be necessary to give a few Paragraphs out of some of their Papers, to shew, that it was the same Grievance and Oppression that incensed all the Counties, without corresponding with each other. — For though *Granville* County had been at War, as it were, some Years before the Disturbance in *Orange*, yet we never heard of it till it broke out in *Orange*.

The

The Paragraphs in the *Granville* Paper runs as follow,

“ A serious Address to the Inhabitants of *Granville*
 “ le County, containing a brief Narrative of
 “ our deplorable Situation by the Wrongs we
 “ suffer,——
 “ And some necessary Hints, with respect to a
 “ Reformation.

“ *Save my Country, Heavens, shall be my last.*
 Pope.

Then, after treating on the Nature of Law in general, and of our Constitution, in Praise of it, he proceeds thus.——

“ Well, Gentlemen, it is not our Form or Mode of Government, nor yet the Body of our Laws that we are quarreling with, but with the Malpractices of the Officers of our County Court, and the Abuses that we suffer by those that are empowered to manage our publick Affairs: This is the Grievance, Gentlemen, that demands our serious Attention.——And I shall,

“ Thirdly, Shew the notorious and intolerable Abuses that has crept into the Practice of the Law, in this County, and I doubt not but into other Counties also; though that does not concern us. In the first Place, there is a Law that provides that a Lawyer shall take no more than Fifteen Shillings for their Fee in the County Court.——Well, Gentlemen, which of you has had your Business done for Fifteen Shillings? They exact Thirty for every Cause: And Three——Four——and Five Pounds * for every Cause attended with the least Difficulty, and laugh at us for our Stupidity and tame Submission to these D—m—d, &c.”

Another

* *Their Fees in our Superior Courts is almost as many Hundreds.*

Another Paragraph runs thus in Substance.

“ A poor Man is supposed to have given his Judgment Bond for Five Pounds ; and this Bond is by his Creditor thrown into Court.——The Clerk of the County has to enter it on the Docket, and issue Execution, the Work of one long Minute, for which the poor Man has to pay him the trifling Sum of Forty-one Shillings and Five-pence.——The Clerk, in Consideration he is a poor Man, takes it out in Work, at Eighteen-pence a Day.——The poor Man works some more than Twenty-seven Days to pay for this one Minute's Writing.

“ Well, the poor Man reflects thus,——At this Rate, when shall I get to Labour for my Family ? I have a Wife and Parcel of small Children suffering at Home, and here I have lost a whole Month, and I don't know for what ; for my Merchant is as far from being paid yet as ever.——However, I will go Home now, and try and do what I can.——Stay, Neighbour, you have not half done yet,——there is a D——d Lawyer's Mouth to stop yet ;——for you impowered him to confess that you owed this Five Pounds, and you have Thirty Shillings to pay him for that, or go and work nineteen Days more ; and then you must work as long to pay the Sheriff for his Trouble ; and then you may go home and see your Horses and Cows sold, and all your personal Estate, for one Tenth Part of the Value, to pay off your Merchant. And lastly, if the Debt is so great, that all your personal Estate will not do to raise the Money, which is not to be had,——then goes your Lands the same way to satisfy these cursed hungry Caterpillars, that will eat out the very Bowels of our Common-wealth, if they are not pulled down from their Nests in a very short time.——And what Need, I say, to urge a Reformation.——If these Things were absolutely according
to

to Law, it were enough to make us throw off all Submission to such tyrannical Laws ; for were such Things tolerated, it would rob us of the Means of Living ; and it would be better to die in Defence of our Privileges than to perish for want of the Means of Subsistence.——But as these Practices are contrary to Law, it is our Duty to put a Stop to them before they quite ruin our County, or that we become willing Slaves to these lawless Wretches, and hug our Chains of Bondage, and remain contented under these accumulated Calamities.

“ Oh, Gentlemen, I hope better Things of you.——I believe there are few of you but has felt the Weight of those Iron Fists.——And I hope there are none of you but will lend a Hand towards bringing about this necessary Work ; and in order to bring it about effectually, we must proceed with Circumspection ; not fearful, but careful.

“ 1st. Let us be careful to keep sober,——nor do nothing rashly,——but act with Deliberation.

“ 2dly. Let us do nothing against the known established Laws of our Land, that we appear not as a Faction, endeavouring to subvert the Laws, and overturn the System of our Government ;——but let us take Care to appear what really we are, Free Subjects by Birth, endeavouring to recover our lost native Rights, of reducing the Malpractices of the Officers of our Court down to the Standard of our Law.”

This Paper was large, and deserved to have been printed at Length, but my Ability would not afford it.——It was dated, “ *Nutbush, Granville County, the 6th of June, Anno Dom. 1765.*”

And tho’ it was the adjacent County to *Orange*, yet the first that ever we heard of it was in 1767, at our *August* Court, after we had tried to plead our own Cause at the Bar against Extortion.——Then some Persons who lived adjoining *Granville* Line told us, they feared that Matter would ruin
some

some of us, for that just such a Case had been undertaken in *Granville* County some Years ago, and that they were at Law about it to that Day. And by what I have since learned, the Method they proceeded in was by Petitioning the Legislative Body against the Mal-Practices of the Officers mentioned in the Paragraphs cited:—And thereupon the Officers sued the Subscribers for a Libel; indicted the Author of the Paper, and imprisoned him: Which Law-Suits have remained to this Day.

There were other Counties, such as *Brumswick*, *Cumberland*, and some more, had wholly Declined paying Taxes as early as 1766, if not before, as nearly as I could collect Accounts;—but the Government made no noise about all this till *Orange* could no longer be kept quiet,——who never had knowledge of the Dissatisfaction of these Counties; so that the Thing did not spread by Industry of any in propagating or Communicating the Grievances, but the same Cause naturally produced the same Effect.

But now I shall drop other Counties and begin with *Orange*, having, as I said before, as perfect a knowledge of the whole Proceedings as any one Man in the Province.

Sometime in the latter Part of Summer, in the Year 1766, at an Inferior Court in the County of *Orange*, a Paper was presented and read to the Representatives and Magistrates of the County, as follows, viz.

No. I.

“ **W** H E R E A S that great Good may come of this Great designed Evil, the Stamp Law, while the Sons of Liberty withstand the Lords in Parliament, in Behalf of true Liberty, Let not Officers under them carry on unjust Oppression in our own Province; in order thereto, as there is many Evils of that Nature complained of in this County of *Orange* in private amongst the Inhabitants, Therefore, let us remove them;——

B

or

or if there is no cause, let us remove the Jealousies out of our Minds.——Honest Rulers in Power will be glad to see us examine this Matter freely——And certainly there is more honest Men among us than Rogues * ; yet Rogues is harboured among us sometimes almost publickly.

“ Every honest Man is willing to give Part of his Substance to support Rulers, and Laws, to save the other Part from Rogues ; and it is his Duty, as well as Right, to see and examine whether such Rulers abuse such trust ;——Otherwise that Part so given may do more Hurt than Good.

“ Even if we were all Rogues, in that Case we could not subsist ; but would be obliged to frame Laws to make ourselves honest.——And the same Reasoning holds good against the Notion of a Mason Club.

“ Thus, though it (meaning Justice) must be desired by all, or the greatest Number of Men, yet when Grievances of such publick Nature are not redressed, the Reason is, every Body's Business is no Body's.——Therefore, the following Proposal is offered to the Publick, *to wit*, Let each Neighbourhood throughout the County meet together, and appoint one or more Men to attend a general Meeting on the *Monday* before next *November* Court, at a suitable Place, where there is no Liquor, (at *Maddock's* Mill, if no Objection ;) at which meeting, let it be judiciously enquired into, Whether the Freeman of this County labour under any Abuses of Power or not ; and let the same be notified in Writing, if any is found, and the Matter freely conversed upon, and Proper Measures used for Amendment.

“ This

* *The Author had in View to carry Elections by the Majority, and was to confute a general prevailing Notion, that the Combination of Rogues, by Means of a Mason Club, was so great, that it was in vain to try to out-vote them at Elections, which was the Method of Redress proposed in Conversation.*

“ This Method will certainly cause the wicked Men in Power to tremble ; and there is no Damage can attend such a Meeting, nor nothing hinder it but a cowardly dastardly Spirit : Which if it does, at this Time, while Liberty prevails, we must mutter and grumble under any Abuses of Power until such a noble Spirit prevails in our Posterity ; For, take this as a Maxim, that while Men are Men, though you should see all those Sons of Liberty (Who has just now Redeem'd us, from tyranny) set in Offices, and Vested with Power, they would soon corrupt again and oppress, if they were not called upon to give an Account of their Stewardship.”

This Paper being publickly read at Court, in Audience of our Chiefs, Mr. *Loyd*, one of our Assembly-men, declared his Approbation of it, and the Rest Acknowledged it was reasonable.—And *Loyd*, altered the Day of meeting to the 10th of *October* ; and we being thus encouraged, Several Neighbourhoods held Meetings, and conjunctively Drew up the following Paper.

No. II.

“ **A**T a Meeting of the Neighbourhood of *Deep-River*, the 20th of *August*, 1766.—Unanimously agreed to appoint *W—C—* and *W—M—* to attend at a general Meeting on the 10th of *October* at *Maddock's* Mill, where they are judiciously to examine, whether the Freemen in this County labour under any Abuses of Power, and in particular to examine into the publick Tax, and inform themselves of Every Particular thereof, by what Laws and for what Uses it is laid, in order to Remove some Jealousies out of our Minds.

“ And the Representatives, Vestry-men, and other Officers, are Requested to give the Members of the said Meeting what Information and Satisfaction they can,——So far as they value the Good-
will

will of every honest Freeholder, and the executing Publick Offices, pleasant and delightful.”

In Pursuance hereof, about twelve Men met, but none of the Officers appeared (though they had frequently gave out Word beforehand, that they would be there——Late in the Day Mr. *James Watson* came alone, and brought Word from Colonel *Faning*, the other Representative, that he had always intended fully to meet us, till a Day or two ago he observed in one of our Papers the Word judiciously *, which signified, he said, by a Court of Authority:——And had some other Objections, such as the Mill being no suitably Place. And concluding, that, in short (says he) Colonel *Faning* Looks on it as an Insurrection, &c. &c.

Whereupon we, in *Watson's* Presence, drew up the following Paper, and read it to him, Desiring his Judgement; and he said it was so just, and reasonable, that no Man could object to it; which was thus, *to wit*.

No. III.

“ At a Meeting of the Inhabitants of *Orange* County, on the 10th of *October*, 1766, for Conference on publick Affairs with our Representatives, Vestry-men, &c.

“ **I**T was the Judgment of the said Meeting, that, by Reason of the Extent of the County, no one Man in it, in a general way, was known by above one tenth Man of the Inhabitants;—for which Reason, such a meeting for a Publick and and free Conference, yearly, and as often as the Case may require, was absolutely necessary, in Order to reap the Benefit designed us in that
Part

* By what I have learnt since, they pretend to have mistook the word for judicially; but our original Papers were in too many Hands to make it take.

Part of our Constitution of choosing Representatives, and knowing for what uses our Money is called for.——We Also conceive such a Representative would find himself at an infinite Loss to answer the Design of his Constituents, if deprived of consulting their Minds in Matters of Weight and Moment.

“ And whereas, at the said Meeting, none of them appeared (though we think properly acquainted with our Appointment and Requests) yet, as the Thing is somewhat new in this County (though practised in older Governments) they might not have duly considered the Reasonableness of our Requests.

“ We therefore conclude, that if they hereafter are inclinable to answer it, that we will attend them at some other Time and Place, on their giving us proper Notice.

“ It is also our Judgment, that, on further mature Deliberation, the Inhabitants of the County will more generally see the Necessity of such a Conference, and the Number increase in Favour of it, to be continued yearly.”

A Copy of this was given to Mr. *Watson*, on his Approbation of it; and he promised to present each of our Representatives with proper Transcripts;——Which we make not the least Doubt but he complied with.

But, however, instead of complying with our so reasonable Proposals, Colonel *Fanning*, the following Court, or at a general Muster, read a long Piece of Writing in Publick, and among our Justices, in Repugnance to our Request, vaunting himself greatly in his Performance; telling them, he had served us with Copies thereof, and signified it would silence us, or had silenced us: But as to what it contained, I cannot inform the Publick, as we nor any one of us, that ever I could find, ever saw it.

This, with the Menaces thrown out by the
Bomb

Bomb Sheriffs against such as was most active in this Affair, so discouraged the People, that the Affair dropped, after we had subscribed to a Sum of Fifty Pounds, in order to commence a Suit at Law against them on the Penal Laws, and was Denied by the only Attorney we had any Hopes of serving us to undertake it.

Some Months after, all was still, there happened to come out a new Collection of the Laws in one Book; two of us took a Copy of the Fees out of it for recording Deeds of Conveyances, and carried it to Court in *August* Term, 1767.—These men offered the customary Fees for the Recording and Proving their Deeds that were taken in other Counties, though that Exceeded the lawful Due; at the same Time offering to pay more if any of them could shew any Law for more.

This was before the Bench, when the Man who spoke was asked, How long it was since he had Commenced Lawyer? But as he did not regard some of the Bench, began to threaten him, for standing in Contempt of the Court; upon which they withdrew.

The Person who had got this Law-Book, being half Owner of it, had it at Court, and it was handed about among the People; which the other Owner knowing of, and he being one of the Bench, and on the Bench at the Time, came immediately out of Court, calling his Partner in the Book to one Side, Desiring him to keep the Knowledge of the Book's being handed about a Secret from the Rest of the Court.—The other Replies, I have given them, that I let have the Book, that Caution alre dy, for I see how Matters stands among you.—Which was, that an honest Man could hardly live among them; for these New Books were so scarce at that Time, that they would have known who had let it out among the People.

Thus we may see how he apprehended himself under

under a Necessity to conceal his good Offices and Honesty to secure himself in Office: But I suppose he was found out; for he was soon after put out of Commission.

The Bombs now grew more and more Insulting; taking Unusual Distresses for Levies; taking double, treble, and four Times the Value; bearing all off to Town, thirty, forty, and sixty Miles, and was remarkably cross, taking By-paths, and other Ways than they had Promised; so that those who followed, may be in a few Hours, to Redeem their Things, could never overtake them.

These Things were all sold in Town at under Rates, and became a constant Trade; so that roguish People began to depend on these Sales to raise them Fortunes.—And as to any Overplus being returned to the Parties, I never could hear of any. Besides, among Dutch People, and such as were ignorant of State Affairs, they practised taking Four-pence, Six-pence, and a Shilling in a Tax, more than from the more Knowing.

The High Sheriff also sent out an insulting Advertisement, which was set up very early in the following Year, *to wit*, 1768, (may be in first of *February*) as follows.

“ **W**HEREAS, by a late Act of Assembly, the Sheriffs of the several Counties in this Province are obliged to attend at five different Places in their County, at least two Days at each Place, at some Time between the first Day of *January* and the first Day of *March*, in Order to receive the publick County and Parish Taxes.—I hereby inform the County of *Orange*, that I intend to comply with my Duty in attending, according to Law, at Times and Places hereafter to be advertised; and that every Man who fails paying their Dues, at these Times and Places, is, by the same Law, obliged to pay me *Two Shillings and Eight-pence* extraordinary: Which Sum I shall Demand,

Demand, without Respect to Persons. Whereof every one concerned is desired to take Notice.

“ And should any Person imagine, that it is sufficient if they have their Money ready when I or my Deputy comes for it——I advise them to be provided with *Two Shillings and Eight-pence* for the Visit,

From their humble Servant;

‘TYREE HARRIS.’

Every one could see this was quite insulting, as well as an Attempt to make Asses of us; for no one but had Sense enough to know this new Law was calculated for the Sheriff’s Ease.——And instead of being so careful to Word his Advertisement, That “ the Sheriffs were obliged to attend,” he might have said, The Asses were obliged to bring their Burdens to him, in order that one of their Deputies might collect the Whole in ten Days sitting on their Breech, at Ease, in five Places only.

The Rumour of giving the Governor *Fifteen Thousand Pounds*, to build him a House, all happening together at this Time, conspired to give Rise to what was commonly called the Mob; which in a little Time altered to that of the Regulators.

This new Association began in a different Neighbourhood, though they always mentioned and espoused the former; and People had entered into it by Hundreds, and it spread every Way like Fire till it reached *Sandy-Creek*, where the principal Men who were concerned in the Papers No. 1, 2, and 3, lived. There this new Scheme met with some Opposition, on Account that it was too hot and rash, and in some Things not legal. And though the *Sandy-Creek* People endeavoured to shew them the Danger of their Proceedings, yet took Care at the same Time not to kill that Zeal for Justice and true Liberty.——And at the second Meeting they had prevailed with them to form

form new Articles, and censured their First; yet at their first Meeting they had sent a Paper to our Officers; which Paper was approved of, and bears the Name Number V. though dated *March 22d.*

—————The new Articles being adopted, at their second Meeting, held on *April* the Fourth, being instead of the first Articles, always bore the Place of the First, which was Number IV. and is as follows, *viz.*

No. IV.

“WE the Subscribers do voluntarily agree to form ourselves into an Association, to assemble ourselves for Conference for Regulating publick Grievances and Abuses of Power, in the following Particulars, with others of the like Nature that may occur.

“ 1st. That we will pay no more Taxes until we are satisfied they are agreeable to Law, and applied to the Purposes therein mentioned; unless we cannot help it, or are forced.

“ 2d, That we will pay no Officer any more Fees than the Law allows, unless we are obliged to it; and then to shew our Dislike, and bear an open Testimony against it.

“ 3d. That we will attend our Meetings of Conference as often as we conveniently can, and is necessary, in order to consult our Representatives on the Amendment of such Laws as may be found grievous or unnecessary; and to choose more suitable Men than we have done heretofore for Burgesses and Vestry-men; and to petition the Houses of Assembly, Governor, Council, King and Parliament, &c. for Redress in such Grievances as in the Course of the Undertaking may occur; and to inform one another, learn, know, and enjoy all the Privileges and Liberties that are allowed and were settled on us by our worthy Ancestors, the Founders of our present Constitution, in Order to preserve it on its ancient Foundation, that it may stand firm and unshaken.

“ 4th. That we will Contribute to Collections for
C defraying

defraying necessary Expences attending the Work, according to our Abilities.

“ 5th. That, in Case of Difference in Judgment, we will Submit to the Judgment of the Majority of our Body.

“ To all which, we Solemnly Swear, or, being a Quaker, or otherwise scrupulous in Conscience of the common Oath, do solemnly Affirm, that we will stand true and faithful to this Cause, till we bring Things to a true Regulation, according to the true Intent and Meaning hereof in the Judgment of the Majority of Us.”

Number Five is as follows, *viz.*

Number V.

“ The 22d. Day of *March*, 1768. ———— The Request of the Inhabitants of the West Side of *Haw-River*, to the Assembly-men and Vestry-men of *Orange County*, *viz.*

“ **W**HEREAS the Taxes in this County are larger, according to the Number of Taxables, than adjacent Counties, and continues so Year after Year; and as the Jealousies still Prevails amongst us, that we are wronged; and having the more Reason to think so, as we have been at the Trouble of choosing Men, and sending them, after the civilest Manner that we could, to know what we paid our Levy for, but could receive no Satisfaction; ———— for *James Watson* was sent to *Maddock's Mill*, and said that *Edmond Fanning* looked on it, that the Country called him by Authority, or like as if they had a Right to call him to an Account. ———— Not allowing the Country the Right that they have been Entitled to, as *English* Subjects; for the King requires no Money from his Subjects but what they are made sensible what use its for.

“ We are obliged to seek Redress by denying paying any more until we have a full Settlement
for

for what is past, and have a true Regulation with our Officers.

“ As our Grievances are too many to be notified in a small Piece of Writing, we desire that you, our Assembly-men and Vestry-men, may appoint a Time, before next Court, at the Court-House, and let us know by the Bearer, and we will Choose Men to act for us, and settle our Grievances.

“ Until such time as you will settle with us, we desire the Sheriffs will not come this Way to collect the Levy ; for we will pay none before there is a Settlement to our Satisfaction.

“ And as the nature of an Officer is a Servant to the Publick, we are determined to have the Officers of this County under a better and honest-er Regulation than they have been for some time past.

“ Think not to frighten us (with Rebellion) in this Case, for if the Inhabitants of this Province have not as good a Right to Enquire into the Nature of our Constitution, and Disbursements of our Funds, as those of our Mother Country, — we think that it is by arbitrary Proceedings that we are debarred of that Right. — Therefore, to be plain with you, it is our Intent to have a full Settlement of You in every particular Point that is Matter of Doubt with Us. — So fail not to send an Answer by the Bearer. If no answer, we shall take it for granted, that we are disregarded in this our Request again from the Publick.”

This was the first Message this new Society sent our Officers : But no Masters of abject Slaves could be more exasperated ;— they were Rebels, Insurgents, &c. to be shot, hang'd, &c. as mad Dogs. &c.—And the *Sandy-Creek* Men, or Authors of No. 1, 2, and 3, were to be punished for it all ; for these refers to their former Papers.—Now as they were so ignorant as actually to imprison, and went through a Course of Law to make the Au-
thors

thors of the first Papers culpable for these last, I will observe, the latter had a Right to refer to the former, because they had concurred and joined in the former, but that by no Means made all them who were concerned in the former, and scarcely had heard of the latter, to be anyways culpable

————— *Indians* now-a-days know this Distinction, that where a few bad People of a Nation commit Outrages, the Whole is not blamable. However hard this Distinction might have been to our Officers to conceive, I know it was the easiest and naturalest of all Things to be felt by the Parties.

And further, because they stiled themselves Inhabitants of the West Side of *Haw-River*, therefore the whole Body of the Inhabitants, on the West Side, was so treated, that I can venture to say, that though not one third Man on the West Side had yet concerned themselves, yet they were afterwards forced to join as one Man in Defence of their Lives.

On the whole, I do not think it needful to take much Pains to shew this Distinction, for my Opinion is, our Officers Spleen against the Authors of former Papers was for that very Reason, that they were pursuing a legal and constitutional Plan to be redressed: As also, when it came to be tried in the Law, the Distinction was as clear as the Day, and punished none but them who were actually Guilty.

I have said thus much on this Head, the more as I observe by the News-Papers, that Men in higher Stations than our Officers attempted the same Thing on the Town of *Boston*.

So to proceed in Order, ——— On the said 4th of *April*, 1768, after the Articles were altered, and both Parties joined on the former Plan,

Plan, they drew up [the following Paper, viz.

No. VI.

“ **A**T a General Meeting, of the * Regulators, held *April* the 4th, 1768, it was agreed to send P—— C—— and J—— L——, to request the two late Sheriffs and our Vestry-men, to meet twelve Men that we shall choose on the Tuesday after next Court, to Produce to them a Copy of the List of Taxables for each Year, and a List of the Number and Names of of the Insolvents returned each Year, with an Account how the Money was applied, to whom paid, and to what Uses, both Vestry-men and Sheriffs, and to request our Representatives to confer with them in our Behalf, and shew us Law for the customary Fees that has been taken for Deeds, Indentures, Administrations, &c. If the Time appointed don't suit them, let them appoint another more suitable.”

Before these two Men had Time to perform this Message, the Officers, either to try or exasperate the now enraged Populace, took, by way of Distress, a Mare, Saddle and Bridle, for one Levy,——and they immediately rose to the Number of Sixty or Seventy, and rescued the Mare,——and fired a few Guns at the Roof of Colonel *Fanning's* House, to signify they blam'd him for all this Abuse.

The Paper No. 6. was then delivered to the established Minister of the County, who undertook to try to accommodate the Matter; who, accordingly, returned with an Answer from the Officers, and that they had appointed the 11th Day of *May* for a Settlement.

The

* This new Name, instead of Mob, was necessary, according to the Nature of the Business of the Day of altering the Articles.

The Regulators hereupon called a Meeting on the 30th of *April*, chose twelve Men to meet accordingly; and sent the Officers an Account thereof; but the Paper never was deliverd by Reason (as it was on a *Saturday*) the Governor's Secretary arrived the same Day in the Town, and brought a Proclamation from the Governor, desiring all Rioters to disperse: And on their Refusal, commanding all Officers to aid and assist to disperse them.——And, what I think is the odest Thing I ever heard of, this Proclamation was set up on *Saturday*, the Rioters ever since the Riot all peacable at Home, yet the Officers assembled themselves on *Sunday* to the Number of about 'Thirty, with a Tavern-keeper or two, and a Man who had lately killed another, which the Jury of Inquest had adjudged willful Murder, all armed with Guns, Pistols and Swords, and rode all the Sabbath Night, the Distance of 40 Miles, and took one of the Rioters Prisoner by Virtue of a Warrant;——And also another innocent Person without any Precept at all by Reason no Precept could be obtained, because no Charge was, nor could be proven against him, though they had made all the Search and Enquiry they were capabable of doing, by Reason, as was hinted before, he was allowed to have been the Author of the former Papers, No. 1, 2, and 3.

But the Case was so among the Inhabitants, that every man knew who was and who was not joined into the Regulation, by Reason it was all the Topick of Converse and Enquiry. It being therefore so well known that this Person was Innocent, that it alarmed and raised a fiery Zeal in every one who had or had not entered into the Association. And I suppose not near half the Inhabitants had at this Time entered into it.

This Alarm immediatly so engaged almost every Man, Woman and Child, that by Day-Light, next Morning, some Hundreds were assembled near the Town, which Number, in an Hour or two, encreased

creased to Odds of seven Hundred armed Men; many of which had traveled forty odd Miles on foot, some bare footed, and some (at least one) had travelled thirty Miles with his Shoes slip-shod; but the most Part were on Horseback. The whole was actuated by what the World calls the Spirit of Enthusiasm, for I felt it myself as soon as I came into the Company; it caught every Man, good or bad, as *Saul* was caught among the Prophets.

—————A man Under the Operation of this Spirit, I am certain, can do and undergo double what he can at another Time.—It is prodigiously dangerous to raise this Spirit, if it is nothing but Natural, as some imagine; but I believed it was a Work of Providence, and therefore feared no Evil.

The Governor's Secretary met this Company in sight of the Town; —————But I have to observe, first, That both the Prisoners had given Bail, and had met this Company very early; for we supposed the Officers had got some Word of their being on the Road, as some Companies took up long before Day, near the Town, —————or else the Prisoners would, we suppose, have been sent to *Newbern*, 200 Miles. This would have been hard work, for the Inhabitants on the East Side of the Town who were also assembled in Companies, laying in Wait to rescue the Prisoners among Inhabitants who had not intermeddled before. —————The Secretary read the Proclamation, and delivered a verbal Message, which he said he had from the Governor, That if they should assemble While he Was up, to tell them, if they Would Petition the Governor, he Would Protect and Redress them against any unlawful Extortions, or Oppressions of any Officer or Officers in the County; Provided they would disperse and Go Home.

No sooner was the Word spoke, but the whole Multitude, as with one Voice, cried out, Agreed.
That

That is all we want ; Liberty to Make our grievances known.

It is admirable the Quickness of the Spirits in a People, truly engaged in a Cause, to apprehend and take any Thing offered that in truth has a Tendency to procure a Remedy we had felt ourselves shut out and denied a Hearing ; and we sensibly felt the whole Calculation and Design of our Enemies was to prevent our Cries from Reaching, as it were, the Royal Ear ; or, which is the same Thing, the Legislative Body of the Government.

A fatal Blow was this to our Adversaries ; but they saw it not till it was too Late. Had not this very Accident happened, we never Could have had a Hearing.

And to mend the Matter, the Secretary was so Pleased, that he had hit upon an Expedient, to mak Peace, that he sent for some Bottles of Wine, and with a loud Voice, before Officers and People, Repeated the Same Thing over and over, without Variation, several Times ; and drank the Wine as a Testimony or Record, that such an Agreement was made ; and that by express Orders from his Excellency.

The Joy that we returned Home with, on this Occasion, was inexpressible, for Men can feel Things of an oppressive Nature that they can't make appear ; we could plainly feel we were debarred from Complaining ; we could feel we dared not Petition the Governor unless we let our Adversaries Word the Petition. But now they had tied themselves. We immediatly advertised the Agreement, and appointed a Meeting ; but this opened the Eyes of our Officers to see their Mistake. I call it a Mistake and Accident, because the Governor denied Afterwards that he gave such Orders, as will be seen by and by in his Answer to our Petition ; though some who don't like him, think he denied it because he rued it.

It is beyond my Power to describe the Pains that was

was taken to Recal this Mistake, unless I was to Print a Copy of all their Letters, and as much Preaching and Arguments as a Man could read in a Week.——We were told in plain Terms, and in Writing, that no Petition could, nor would go down with the Governor but such a one as they had Wrote for us, in which they made us say, we had thought the Officers wronged us, but had now found it was owing to some Mistake or Defect in our Proceeding; and told us, if we persisted, Colonel *Fanning* would represent our Case to the Governor as High Treason, and not as a Riot,—and kept constantly at this Work till and on the Day appointed to meet, where and when a Merchant and Clergyman appeared to influence and frighten us from Proceeding; and though they made the Work Exceeding unpleasant, and much confused us; yet the following Paper was unanimously at last agreed to, *viz.*

No. VII.

“At a General Meeting of the Regulators, Associates and others, Inhabitants of the County of Orange, Held at George Sally's, on the 21st of May, 1768.

“ **I**T was unanimously agreed to continue our Petition agreed on last Meeting to the Governor, Council and Assembly, for Redressing very grievous, cruel, iniquitous and oppressive Practices of our Officers, which we generally conceive we have laboured under this Many Years, contrary to Law.

And in Pursuance of a verbal Message from the Governor, sent to us Express by his Secretary, delivered to us on the 3d of this Instant, we agree to Renew our said Petition.—And as sundry Forms have been read here this Day, and signed by sundry Neighbourhoods, we appoint
W_____ M_____, W_____ C_____,
H_____ C_____, J_____ L_____,
D J_____

J—— M——, J—— H——,
R—— H——, and G—— H——, to form
one out of the whole, refering to the several Com-
plaints for Information of Grievances.

“ And being conscious of our Loyalty to King
GEORGE the Third, on the present Throne,
and our firm Attachment to the Present Establish-
ment and Form of Government, which we sin-
cerely believe all our Grievances are quite oppo-
site and contrary to, by downright roguish Prac-
tices of Men who have crept into Posts of Office,
and have practised upon our Ignorance and new
settled Situation.

“ We therefore order the above Committee to
Implore the Governor's Pardon and Forgiveness, in
the most Submissive Manner, for any Errors that
we may have committed, that is or may be con-
strued to derogate from the Honour of his Maje-
sty's Crown and Dignity, or tending to obstruct
the Peace and good Order of Government.

“ And for the Governor's better Information,
we order the Committee to prepare Copies of all
our Proceedings which was agreed on by our Body
even from the first Beginning;—— to go
with our said Petition,—— and a suitable Number
of the said Committee to wait on the Governor
with them as soon as possible.

“ And as we have received a Letter from An-
son County, Informing us of an Association there
on the same Account, and Requesting our Infor-
mation of the Manner of our Proceeding, we
Order a Copy of this to be sent to them imme-
diately, to prevent Speedily their Running into
any Error,—— we believing their Scruples to
be well grounded, and their Intention Honest.”

In June they Waited on the Governor with
the Copies of all the foregoing Papers, and o-
ther

ther attested Complaints, and brought us back the following Answer, viz.

GENTLEMEN,

I R E C E I V E D by the Hands of Messrs. Hunter and Howell a Petition, and other Papers, subscribed by several of the Inhabitants on the South Side of Haw-River, in the County of Orange, under the borrowed Title of Regulators, assuming to themselves Power and Authorities (unknown to the Constitution) of calling Publick Officers to a Settlement, together with a Narrative of their Conduct, and Detail of the Grievances and Complaints against the Clerk of the County Register, and other Publick Officers, whose Exactions and Oppressions its pretended has been the Cause of the late Insurrections which have Disturbed the Peace of that Part of the County.

These Papers I have, agreeable to your Desire, communicated to the Members of his Majesty's Council, who having taken the same into their deliberate Consideration, Unanimously concur with me in Opinion, That the Grievances Complained of by no Means warrant the Extraordinary Steps you have taken, in Assembling yourselves together in Arms, to the Obstruction of the Course of Justice, to the Insult of Publick Officers, and to the Injury of Private Property; Measures, as they manifestly tend to the Subversion of the Constitution of this Government, would inevitably, if carried but a little farther, have been denominated, and must have been treated, as High Treason; and consequently have involved the Abettors, most of whom I am satisfied were actuated by Honest Motives, though incautiously drawn in to concur in Acts that might have terminated in the Ruin and Destruction of their Families, while by illegal Means they are intent on exempting themselves from Evils, within the Remedy of Laws of their Country.

These Calamities, I trust, are now removed by the timely Proclamation I sent up to you by my Secretary, and your own prudent Determination to Petition me in Council for the Redress of the Grievances complained of.

of.—The Discreet and Steady Behaviour of Colonel Fanning, and the Officers and Men under his Command, met not only with the Entire Approbation of myself and his Majesty's Council, but will ever be acknowledged with Gratitude by every Wellwisher to this Province.

I take this Opportunity to acquaint all those whose Understandings have been run away with, and whose Passions have been led in Captivity by some evil designing Men, who, actuated by Cowardice and a Sense of that Publick Justice which is due to their Crimes, have obscured themselves from Publick View. That in Consideration of a Determination to abide by my Decision in Council; it is my Direction, by the unanimous Advice of that Board, that you do, from henceforward, Desist from any farther Meetings, either by Verbal Appointment or Advertisement. That all Titles of Regulators or Associators Cease among you. That the Sheriff and other Officers of the Government are Permitted, without Molestation, to Execute the Duties of their respective Offices.—And that all Breaches of the Peace against his Majesty's Government may be Determined and Examined in a due Course of Law.

It is by your strict and punctual Adherence to these Directions, that any farther Clemency, on My Part, may be looked for.

This was the Extent of what I authorized Mr. Edwards to declare on my Behalf.—And now, that I have signified to you the Sense his Majesty's Council Entertain of the Nature of your Proceedings, and the Requisition I Point out, by their Advice, for your future Conduct.

I am to assure you, willing as I am to Listen to the Voice of Distress, the just Complaints of his Majesty's Subjects, and the Hardships they may groan under, that I shall give his Majesty's Attorney-General Orders to prosecute every Officer who has been guilty of Extortion or illegal Practices in his Office, upon any Application or Information lodged with him by the Parties injured,

injured, or any others who shall be authorised to Prosecute on their Behalf. As also, set up a Proclamation on my Arrival at Hillsborough, forbidding all such dishonourable and illegal Proceedings.

You may further depend upon it, I shall, at all times, endeavour to redress every other Grievance in my Power, that his Majesty's Subjects may labour under.

As you want to be satisfied what is the Amount of the Tax for the Publick Service for 1767, I am to inform you, it is Seven Shillings a Taxable, besides the County and Parish Taxes, the Particulars of which I will give to Mr. Hunter.

I have only to add, I shall be up at Hillsborough the Beginning of next Month. In the mean Time I rest in full Confidence I shall again be made happy by seeing Industry prevailing over Faction, and Peace and Harmony triumphing over Jealousies and Murmuring, in a Soil and Climate the most fertile in the World, and among a People, who, by a well directed Industry, may draw down Blessings and Prosperity to their Families, and greatly contribute to the Honour of his Majesty's Government, and the Happiness of my Administration.

WILLIAM TRYON.

At the Council-Chamber,
Brunswick, the 21st of
June, 1768.

Now to give some clear Ideas in what Light we received this Answer, and in what condition we felt ourselves to be in, it is necessary to Inform you the Bottom of our Jealousies, and the Method we intended to Prosecute for Redress.

Our Jealousies were not only against the Officers of our own County, which our Papers are confined to, but in our Converse and Enquiry, by the best Calculations we could make, and by several Hints and Reports, we had Reason to believe we had already paid Twenty or Thirty Thousand Pounds over what would sink the Emissions of our Paper Currency. And by Accounts we had still
afloat

afloat *Sixty Thousand Pounds*; so that either our Assembly had been deficient in Burning it, or the Treasures in Accounting; or else our Sheriffs in Paying the Treasurers: Otherwise some Counties must be vastly in Arrears.

As for our own County, we knew it had Paid to the full.——We were of Opinion there was not one Hundred Insolvents a Year in our County out of from three to four 'Thousand.——But to Question the Assembly or Treasures, our Officers took care to chide Us for, and hinted, that it would be even criminal to Suppose such a Thing, for they were men of such Credit; and such a Body, as, were they Guilty, more than one must be Combined; and such a Thing Could not be supposed.——Well, we could not help thinking: So we intended, that if our own Representatives would help us, and we could get a Settlement of our own Officers, and if the Deficiency did not lay there, to proceed and lay the same before the the Assembly, and have the Treasurers Accounts Examined. And if our Assembly-men refused to join with us, then to Petition for new Elections, &c.

Now, by the Time we got this Answer, we found by the Journals of the House, that the Publick Accounts were really unsettled, by a Motion from the Governor to them on that Head; and now we were yet more alarmed, for as we Understood the Motion, he hinted, though in a delicate soft Manner, to have that Authority vested in the Governor.

Well, the more that we discovered Things out of order, we were sensible the stronger we should be opposed; and we not only found by this Answer that the Governor inclined to the other Side, multiplying all our Faults to the highest Pitch he was capable of; and with as great an Extream Painting the other Side;——and without meeting together, which he strictly forbid, and conferring together, we could make no Hand either in
Carrying

Carrying Elections, or Representing our Grievances. Our Hands were fast tied from any Relief but the Law, and in that Way had also excused himself from Protecting or Helping us, any farther than to Order the Attorney to set up a Proclamation.

Well, under this Difficulty we stood still, and soon saw the Proclamation had no Effect at all, for the Register, or his Clerk, raised in their Fees Four-pence or Eight-pence; upon which all Hopes of the Law vanished, and every Channel and Passage of Redress was stopped and shut up.—— However, after some time, as we thought, the Governor would expect some Return to his Letter, and this we could not Effect without breaking his Orders, so we appointed a Meeting to agree upon an Answer; and at the Meeting received the following Letter from the Governor, *viz.*

GENTLEMEN,

“ I N strict Conformity to the Promise I made you in my Letter, dated from the Council-Chamber, at *Brunswick*, I issued a Proclamation on my Arrival at *Hillsborough*, a Copy of which I herewith transmit to you.

“ I also gave Mr. Attorney-General Orders to Prosecute at Law all Publick Officers in your County for Abuses in their Offices, on Application made to him by or in behalf of the Parties injured.

“ It is now therefore by my Advice and Consent, that Mr. *Tyree Harris* wait on you to Proceed in the Collection of the Publick County and Parrochial Taxes of *Orange County* for the Year 1767.

“ I have the fullest Confidence that you will, agreeable to the Direction of the above mentioned Letter to you, and in Justice to the Principles of your Engagement to abide my Decision in Council, make it a Matter of Honour and Conscience among yourselves, that Mr. *Harris* and his Deputies

ties shall not meet with any Interruption in so essential and an immediately necessary a Discharge of his Duty, in Obedience to the Laws of this Country.

WILLIAM TRYON."

Hilborough, August 1st,
1768.

Harris asked for his Levy,——— and we told him, we had agreed to lay the Case before the Assembly and the Whole of the Council before we chose to Pay; and Nobody offered him the least Insult.

We agreed upon an answer to the Governor's first Letter, and ordered two Men to deliver it to him, which they did the 5th of *August*; but we have lost the Copy. However, the Purport of it may be seen by the Governor's Answer.

But, on *Harris's* Return, the Governor's Officers were out raising the Militia round the Town. And the Militia kept sending Messengers to us, one after another by Night and by Day, what Orders they had received, which was to meet such a Day, which was in a few Days, and to bring three Days Provision and nine Charges of Ammunition. These Alarms run Night and Day, and caused Multitudes of People to gather together, who chose out eight Men, and sent them to the Governor.———The men Returned with the following Answer, *Viz.*

"IN the first Place, the Governor Declares, that he never had an Intention to bring down *Indians*, nor of Raising the Militia, in Order to break in upon any Settlement, as has been falsely Represented; and that he again repeats his firm Resolution to do Justice to the People in every Thing wherein they have been injured, as far as is in his Power.

"In the next Place, Colonel *Fanning* agrees, that the Dispute between him and the People shall be Settled at the next Supream Court; that if the
Chief

Chief Justice and his Associates give Judgment against him on the Trial of Mr *John Lowes*; or any other Deed, he is willing and shall refund the full Sum, over his Lawful Fees, which he has taken, to every Man who shall apply to him, bringing his Deed along with him; and that they shall pay no cost.

“ In the next Place, Mr. *Nash* agrees to the same Thing, with Respect to his Clerk's Fees, as he has already wrote to the Regulators.

“ In the last Place, the Accounts of the Sheriffs, with the Vestry and the Court, for the Parish and County Tax, have been Examined, and approved; and when a Settlement is made for the Insolvents, the full State, in the Same Manner, shall be Pasted up in the Court-House.

“ The Governor will give no Directions for the Sheriff to Proceed in his Collection till after the Supream Court.”

At the same Time he appointed the Regulators to meet on the 17th Day of *August*, at *George Sally's*, when the Sheriffs were to attend with their Settlement, and give Satisfaction to the Publick on the said 17th of *August*.

We met, but none of the past Sheriffs came. *John Lea*, the new Sheriff came, and brought a Letter from the Governor, *Viz.*

August 13th, 1768.

GENTLEMEN,

“ I HAD every reasonable Hope that my Letter to you from the Council-Chamber, the 21st of *June*, would have given you not only the most Cordial Satisfaction, but have Prompted you with the most ardent Zeal to have immediately subscribed to every Direction contained therein, conformable to the declared Resolution in your Address to me.

“ It is with a sincere Regret I at this Time reflect on the Disobedient and Ungrateful Return

E you

you have made me, both by your Disregard to every Part of my Direction in the above mentioned Letter, and your Refusal to pay your Publick Levies to Mr. *Harris*, late Sheriff, who demanded them of you on the 2d of this Month, at a General Meeting, in Virtue of his legal Powers, and in Compliance with the Letter I sent you by him, urging the immediate Payment thereof.

“ The Candor with which I treated the rash and precipitate Steps of your past Conduct, and the just Means and effectual Measures I Pointed out for Removing the Causes of complaint, would have given ample Satisfaction to every Man who Petitioned me with an Intention to be satisfied with Justice.

“ By your Letter delivered me the 5th Instant, by Messrs. *Low* and *Hunter*, I have the Mortification to find every Lenient Measure of mine has been Perverted, and the friendly Aid I offered to correct the Abuses in Publick Officers, which it was my Duty to Tender, considered by you as Insufficient.

“ The Force of the Proclamation was to Caution Publick Officers against, and prevent as much as possible Extortion. It is the Province of the Courts of Law to judge and Punish the Extortioner. The Dissatisfaction also you express, that your Address and Papers were not laid before the whole Council is equally groundless, with your Declarations of the Insufficiency of the Proclamation.

“ By his Majesty's Commission and Instruction, three Counsellors make a Board; and with five Members Business may be transacted of the highest Dignity. ——— Whereas six Gentlemen of the Council were present when your Address and Papers were laid before that Board.

“ The Resolutions you have taken to Pitition the Legislative Body is extreamly agreeable to me;
my

my Services on that Occasion shall not be wanting to redress any real Grievances *.

“ It is necessary I should now inform you, in Humanity to your misguided Passion, and in Justice to the Integrity of my Intentions, that you are Pursuing Measures highly Criminal and Illegal; and it is a Circumstance of real Affliction to me, since I consider you as acting upon Principles no less Void of Faith and Honour than inconsistent with every Moral and Religious Duty.

“ You have given Occasion to every Man of Property and Probity, by the open unreserved Menaces you have thrown out against the Lives and Properties of many of the Inhabitants of this County, to look on your Designs as bent rather upon destroying the Peace of this Government, and the Security of its Inhabitants, than a Wish or Intention to wait for any Legal Process against those you imagine have Abused their Publick Trusts.

“ Upon these alarming Prospects, I esteem it my Duty to provide for the Safety of the Government, and to take Care that the Publick Receive no Damage; to prevent therefore as much as possible the heavy Expence that must accrue to the Province by Providing against the Insults that are intended to be offered to his Majesty's Superior Court of Justice, I am Peremptorily to require on your Part, that at least twelve of your Principals, and those of the first Property, wait upon me at Salisbury,

* This far relates to our Letter, which Copy we have Lost; but the Purport, as I hinted before, may be gathered from the Answer, and what I will now Observe; That is, we did not complain that there was not a sufficient Number to do Business, but that our thanks would been more, had he called the whole Council; and we not only thought so, but likewise both thought and expected he would have called the Assembly on the Occasion. Which we now recommended, in order to strengthen him to help us.

lisbury, on *Thursday* the 25th of this Month, and there in my Presence Execute a Bond in the Sum of *One Thousand Pounds*, as a Security that no Rescue shall be made of *William Butler* and *Hermon Husband* at the Superior Court at *Hillsborough*, they being under Recognizance then to appear and take their Trials.

WILLIAM TRYON."

We sent him the following Answer, *viz.*

August 19th, 1768.

May it Please your Excellency,

WE received your Letter by the Hand of Mr. *Lea*, at the only Time that ever our Officers shewed any real Intentions of informing us to what Uses our Money is applied, and at a Time when we had Hopes and were perswaded Matters were likely to be settled to the Peace and Satisfaction of the Publick.

But finding by your Letter, that your Excellency is displeased, and Charges us with Breach of Honour, and that we have Given Occasion to be looked on as rather bent upon Destroying the Peace of this Government than to Wait for Justice.

At all which we are truly Effected with Sorrow, and Concern at the Thoughts of any Difference arising between your Excellency and us, and that (as through false Reports and Alarms, the Commonalty, under Oppression, have been Incensed, and Occasion given) we determine to use our utmost Endeavours to guard against such Offences for the future.

Amidst our Sorrow, we are rejoiced in this, to find that your Excellency is agreeable to our Resolutions to Petition the Legislative Body, which is Generally agreed on.

As to the Demand for Security, not to Rescue the Prisoners, we beg that it may be considered, that the Alarms or Raising Men and Indians to Cut off the Inhabitans of this County

as Rebels, when they knew in their Hearts and Consciences they were guilty of no other Crime but Endeavouring to obtain Justice and Detect Fraudulent Practices in the Officers, which has been so Common in this Province, that it is mentioned in Many Acts of Assembly made to Remedy the same; which Constantly prove unsuccessful, and we Conceive Ever will be so,——until the Publick is Encouraged to assist and help by Complaining and Producing Matters of Fact against the Particulars.——Now these Alarms were thought by the most Considerate to be without good Grounds,——and such interposed, moderated and Pacified the Whole;——and those, it is likely, may be looked on as the Principals or Leading men.——And such as these will ever use the same Care, and will, no Doubt, be always able to govern the Multitude by Reason;——And yet, not one of them would be willing to enter into Bonds, for the Noise of such a Step would be likely to hinder their Influence.

Moreover, there never was any intent to Rescue the Prisoners, but to beg the Governor to Dissolve the Assembly: And so far as we know the Minds of the People in general, this one Step alone would at once Stop every Mouth and every Complaint but what would go through, and by way of such Representatives as should then be Chosen.

As the Governor may observe by the Detail of all our Proceedings, that it was the Representatives Refusing us a Conference, and threatening us for Requesting one, and frightening and Detering us from Petitioning for Redress, that first gave Occasion for Disorder;——therefore, as the Stopping the free Passage of this Channel for Relief has Occasioned the Obstruction of good Order,

er, so the Opening of which Passage will as
redly Restore it again.

Signed, in Behalf of the Regulators, by

JAMES HUNTER,
PETER JULIAN,
THOMAS WELBURN.

If it was false before, that the Governor did not Attempt to Raise the Militia, it was true now; for finding he could not trust the Militia of our County, he try'd all over the Province; and with what Pains, and false Representations of us is best known to the Inhabitants every where among whom he applied.——It was said, he Represented us as a Faction of *Quakers* and *Baptists*, who aimed to overset the *Church of England*, &c.

This Caused Us to View ourselves, when we found our Body to consist Promiscuously of all Sects, and the Men who we put most trust in were of the Church of England Communion. In short, every honest Man who was not deterred by Fear and Cowardice was on our Side. The formality of Subscribing Articles or Swearing had never been in Use since the Governor's Secretary met us; and to prevent Mobs and Riots was our Chief Study, as they were the only Thing that we feared our Enemies could get an Advantage against us in, and what we believe they Endeavoured to Drive the Populace to.

All this Preparation of the Governor's put us to it for a while to Rule the Inconsiderate, they looking on it, as the Governor Chose the Sword, that they were at Liberty to Defend themselves; and the Prisoners, they were afraid to trust to a Trial, lest they might Hang them by an Arbitrary Power;——So it was at length agreed the Prisoners should not appear, and every Man to be left at his Liberty to go to the Court as well armed or not as he Pleas'd; but not to use
them

them nor offer the Least Insult, unless an Attempt was made to Massacre us; and that if they could not offer such Terms as the Governor and Country could come to an Agreement in Peace, to return home, and leave the Governor to fight the Air.

We had very little good Opinion of the Governor now; for when the Secretary agreed we should Petition the Governor, and we had Advertised it, and for them who had material Grievances to get them Attested before a Magistrate, yet the Officers, when they found their Mistake, as I mentioned before, soon scared all the Magistrates but one, that they would give no Person his Qualification. And though, when *Hunter* mentioned this in the Council, at *Brunswick*, the Reply was, that it was a weak Thing in them to act so; yet this one who had served us was now so talked to by the Governor himself, that he refused also.

The Governor soon found he could not trust the Militia, they were so generally Attached to our Side.———So he Swore every Man with an odd Kind of an Oath;—and in many Places the Inhabitants, being so alarmed, took our Method, and Assembled themselves together to Consult one another what to do; and some put their Resolutions in Writing, *viz.*

Orange County, August the 19th, 1768.

“THE critical Affairs in Publick has caused us to meet to consult what is our Duty.———We have been warned to go against a Set of People called Regulators, under the Term of being Enemies. But we look on them as loyal Subjects, Acting for the Good of our Country.———Until they are Proved Enemies, we don't think it our Duty to go against them.———We hear a Rumour of being fined for not appearing against these our Brethren and Neighbours, which we desire to Ap-
pose

—until it Can be made appear it is our Duty
 —and their Articles are proved contrary to
 Law.—— And we design to Apply to his Ex-
 cellency, our Governor, to hear our Grievances
 in Case we are fined.”

By the Date and Purport of this Paper, it
 looks as though there had been Truth in these
 Alarms mentioned in our last Letter, Dated this
 same Day, which we have therein allowed to
 have been false.——I never observed this before
 I was Preparing it for the Press.

Morris Moore, one of our Associate Judges, hav-
 ing Encouraged the Regulators to stand firm to
 the Cause, in a Manner I suppose every honest
 Man in the Province would have desired to have
 done if they were not frightened out of it, as
 was attempted on *Moore*, as may be seen by his
 Letter to Colonel *Fanning*.

Spring-field, August, the 12th, 1768.

To Colonel EDMOND FANNING.

Dear Sir,

“ **A**S much as I hate Writing, I am de-
 termined to Scratch this Side down, with
 a bad Pen and worse Ink, on the Subject of
 the Infurrection in your County, which I am Sor-
 ry to hear has grown formidable, and much more
 so that it is ascribed to me as its Author and
 Encourager.

“ I have been Calumniated before now, but
 never So Capitally as in this Case.

“ I assure you it gives me much Concern, in
 Spight of the Consolation a clear Conscience
 affords me.

“ I never knew or even saw, as I know of,
 in all my Life, any Man or Men concerned in
 this unlucky Affair, except *Hunter* and *Howell*;
 and

and I made you fully acquainted with the Advice I gave them: But I shall say no more on this Head. I have blackned my Page, and must conclude my Letter with assuring you, I Esteem you, and am,

Your most Obedient, &c.

M. MOORE.

On the first Day of the Supream Court, which was at *Hillsborough*, on the 22d Day of *September*, 1768, we appeared about Three Thousand Seven Hundred, and took up about half a Mile from the Town, and sent our Proposals to the Governor; which was, That if he would let us peaceably come into Town to Complain of our Officers, and Pardon all past Breaches of the Peace, (except the two under Bail, who would Stand their Trials) we would Pay our Levies as Usual, &c.

Now we knew of no other Concession he could want of Us.—But the next Day he sent his Answer, That every Man must give up his Gun in Pledge, till the Prisoners were tried; upon which we immediately returned, except about thirty, who carried him their Guns.

As to the Proceedings of the Court, we being debarred from being there, can give you no better Information than that one of the Prisoners drew up in Vindication of his own Case.—— Only we may add, that a whole Troop of Bomb Sheriffs came after us next Day to take such as they had Orders for back; and where they meet with quiet peaceable Men, they went along, but some of a contrary Disposition used some of them very rough. All those who went along, the Bills were all found *Ignoramus*.

The case of *Hermon Husband*, Prisoner, aforesaid, is as follows;

On the second Day of *May*, a little after Sun-
F rise,

rise, ten or a dozen Men, armed with Guns and Pistols, entered the back Door of my House;— and *Thomas Hart*, took hold of me, and said, You are the King's prisoner.

I asked, upon what Account.—— He said, on Suspicion of having a Hand in the Mob.

They hurried me off, without letting my Wife fetch me some money; when I called to her for Some;——In about two Miles they come up to where Colonel *Fanning*, was waiting for them.—— He asked me, flutteringly, and with visible Confusion, Why I did not come to see him in so long a time.——I told him I new no call I had.

——He said, Well, you'll come along now.

——I said, I suppose I must.——He said, ay; well,——and set off to Town, where *William Butler* and I were put into a Fort, mounted with two Swivel Guns, under a strong Guard; and after some Hours took me out before *Thomas Loyd*, who read a Paper of some Body having informed, there was cause of Suspicion, that I had a Hand in the mob.

I told him I had not.——Then he Swore Colonel *Fanning*, who said, he formerly had received a Paper, summoning him to appear at a Mill, and he thought it was my Hand;——And he had received papers from the Mob, which referred to that Paper.

Then *John Hogen* was swore;——who said, I had confessed I had been at some Meetings of the Mob.

Thomas Loyd then ordered me to Prison; and *William Butler* was put in with me, where we lay till about Midnight, when we were taken out, and tied Hand and Foot; and many telling us we would be hanged, *Butler* especially, if I escaped.

——It came into my Mind, that if I made Colonel *Fanning* some Promises he would let me go.

——So, on my Motion, he was sent for, who signified to me he had been asleep, and was called

ed and told I wanted to see him, and he had come to see what I wanted with him.

Says I, if I may go Home, I will promise not to concern myself any more whether you take too large Fees or not, &c.——It took with him ; and, after humming a little, he repeated over what I must promise ; which, as near as I can remember, was to this Effect :

“ You promise never to give your Opinion of the Laws,——nor frequent assembling yourself among People——nor shew any Jealousies of the Officers taking extortionary Fees ;——and if you hear any others speaking disrespectfully, or hinting any Jealousies of that Nature, of Officers, that you will reprove and caution them ; and that you will tell the People you are satisfied all the Taxes are agreeable to Law,——and do every Thing in your Power to moderate and pacify them.”

All which I promised, with a particular Exception, that when any Election was on Hand, I reserved Liberty to assemble myself among People, and to have Liberty to converse : ——And to this he said, To be sure.

This was so barefac'd, that as there was twenty or thirty of the Country People to guard us, I looked every Minute to see them cry out, and release us *.

But

* I was not so much mistaken here in the People as I was afterwards informed ; for they had Messengers coming and going all Night, carrying Intelligence to the Country below Town, who were gathering in Companies on every Part of the Road to watch their Motions ; for there were People below Town who had been led into the Secret of their Designs, which was absolutely to Hang two or three of us, at all Events, to scare the Rest.——And these Plans were laid down below, and these Orders sent up for our Officers to bring down two or three of us. They had attempted this same Thing before

But *Faning* went and walked to and fro a few Minutes by himself; then came to us, and said, we must enter into Bail:——So some of themselves bailed me; and took me for *Buttler's* Bail.——But they had exceeding hard Work before *Buttler* would consent;——when they told him very seriously, that if he went to *Newbern* he actually would be hanged.——He paused a while, and said, I have but one Life, and I freely can give that up for this Cause; for, God above knows, our Cause is just. And he did not consent at last till *Faning* promised to clear him at the Court, without Cost.

It was now Day-break, and about Sun-rise we got the Recognizances done, and was hurried away to stop the People from coming after us.

Now when the Governor and Country fell out, and he got to inlisting and swearing Men,—and *Morris Moore's* Letter was handed about to shew he was scar'd, I concluded to sell my Land, and raise Money to clear my Bail, and so leave the Province; for I was now left alone; the Regulators, some of them insulted me, that if I did not join now, they would let the Governor do as he pleased with me.

I was

fore, while *Faning* was below in a more formidable Manner; for they had ordered several Captains below Town to have Companies under them on the Road at several Stages, and appointed a Muster above Town; at which Muster they were to pick out such a Number as were suitable, and go and take two or three, and with all Speed convey them below Town, and deliver them to these fresh Companies staged there, to prevent being overtaken. Nothing but the Baseness of their Design could have given them such Suspicions of being followed.——However, some cute Fellow, at the Muster above Town, raised a Report, that Three Hundred Regulators were seen to cross Haw-River that Morning; and the Companies, Officers and all, each took his own Road, and made the best of their way Home.

I was for my Safety obliged to abscond from them as well as the Governor, and took the Woods for two Weeks, and had got fifteen Miles from my Habitation, and had sent for my Horse, Clothes and Money, to set off in a Day or two.

———This Messenger, luckily for the Province, met *John Wilcocks* at my House;——and my Wife ventured to inform him where he might see me.—He gave me Encouragement to stand Trial, by assuring me, a great Number of good honest Gentlemen was coming up to see that Justice should be done; and among the rest a Lawyer.

Wilcocks left me at *John Pyle's*, while he and *Pyle* went to Town to see if the Lawyer, or any of them had come: But *Fanning* could tell them the Lawyer was not a coming; and ordered him and *Pyle* out of Town.

Upon this, *Wilcocks* was almost outdone; but engaged me to stay till he rid down to Cross-creek to meet, or hear what had become of them.——He never returned till the Night before Court, and heard nothing of his Lawyer, or Friends; but by fair Promises from some of the Council and head Officers, and the King's Attorney, that I should get Justice, he would have me venture; and had Orders from the Attorney-General for me not to come in to Town, but to stay among the Regulators till he came out to us.

After the Attorney general had come out, the Regulators would not let me go into Town, unless every Body had Liberty to go, as usual in all courts;——and *Wilcocks* being discouraged, consented to let me go off; and when it was dark he accompanied me some of the Way, but as soon as we got from among the Croud, he rid on before very silent some time, and claped his hand on his thigh, and cries out aloud, The Lord have Mercy on me, the whole Province is undone! good God;—that ever I was born!

This, and the like, he repeated several Times after Intervals of Silence.

I waited

I waited to hear if he would reflect any thing on me ; but when I found he did not, and being convinced his Sight of the advantage my going away would give our Enemies, I consulted in myself what to do : I had no Point to determine, but whether to risk my Life or not ; here was the Ruin of the Province for certain put in one Scale, a Risk of losing my Life by false Arbitrary Proceedings in the other ; and the Safety of the Privileges and the Liberties of the People soon outweighed : ——— So I rid up a little nearer to *Wilcocks*, and waited till he gave another Cry to lament the Case ; then I asked him, if he was of the Mind I had best stand Trial yet ; ——— he says, Yes, and I will go with you and stand by you to the last ; ——— which I sincerely believe he was confident at that Time to perform, as *Peter* ever was. And I also confided in him that I had one Friend.

But now again, after we took up Camp, and spent great Part of the night in telling him how they had Carried on Matters, and he viewing, I suppose, what he had seen, got a Sight that a Snare was laid for my Life, which he put to me, to let him know if I had any Apprehension that way, that he would by no Means be the Cause of perswading me into any Danger of that kind.

I told him not to say a Word on that Head, for my resolutions was fixed, and had I more than one Life to loose they were unalterable.

When we came into Town next Morning, before an Hour, I clearly discovered by *Wilcocks's* countenance, that he was scared ; ——— but Death nor nothing else could now alter my Resolutions to stand the Test : And *Wilcocks* made a Motion to me to see a Lawyer. And when I went to them, in this Condition, for though my Senses remained good, yet Property felt to me of no value ; for, (it is a very true Saying, That all a Man has he will

will give for his Life) they soon got all the Money I had, and Bonds and Notes for 150 £. more.

But when *Wilcocks* came to know I had given so much, he called me Fool; and seemed grieved; — from which I was in hopes he had got over his Fright.

But the Next Morning I received the following Letter from him, by the Hand of a ragged Boy whom I knew not, *viz.*

To Mr. HUSBAND.

Sep. 23d, at Mr. Cate's.

SIR,

I HAVE been ordered out of Town, under Pretence of being concerned with the Regulators, which probably may surprize you again; but I hope you will take Resolution, and not be scared by our Enemy, which is their only Scheme to defeat us; but you may depend I shall send Somebody in to be your Security, in Case a Bill should be found against you.

Sir, Your sincere Friend and humble Servant,

JOHN WILCOCKS.

Now I had not one Friend left; and I rid some Miles out into the Country, to get some word sent to my own neighbourhood, if possible, to get some of them to come and be Evidences for me, as well as to prosecute Officers; for I equally saw our Cause lost if we did not make Something appear this court against them.

There I met with another Letter from *Wilcocks*, to the Attorney-General, by which I found I need look for no help from that Quarter; for any Trust that he put in Attorney-General I was
now

now perswaded would fail. The Letter was as follows.

September, 1768:

To Mr. M • G U I R E, Attorney-General.

SIR,

THIS serves to inform you, there was Occasion for my leaving Town in a few Minutes Warning.—I must think I am very ill rewarded for all the Fatigue and Care, /with the Risk of my Life and Estate, in order and for no other End but to accommodate so dangerous a Dispute.

As I had no other Occasion to be Security for *Husband* but to prevent Mischief, you, with the Court, cannot be unacquainted with my Industry in the Matter, and of their Encouragement to me for that Purpose, which I faithfully acted, as far as capable: However Envy and Malice may represent me to the Governor or Court, I am ready to answer for when called on. That you wont let me suffer for my good Intent,—and encourage *Husband* to stand his Ground till I am released of his Security; and if he is found guilty, that Security may be found for him till Trial.

Sir, Your humble Servant,

JOHN WILCOCKS.

It was on a *Sunday* that I got this Letter, having as I said rid out some Miles to send to my own Neighbourhood, but was obliged to get a Pass before I could get out of Town. I could not even walk the Streets about the Court-House without being Insulted at every Turn. The Soldiers thrusting their Bayonets at me within a few Inches of my Body, and dragging me once into a Publick-House, setting me upon a Table, and surrounding me with a Ring, made Sport of

of me, which after a half or quarter of an Hour at least, I observed *John Ash*, who was the Commanding Officer, reach forth his Hand to push some of them from me, and says, Hold, don't carry the joke too far.

I caught hold of his Sleeve, and when he looked on me, I asked him if I was at liberty.—Says he, You have been under no Confinement. Then I pushed my Way through them; and to help Mr. *Ash's* Memory, as I hear he denies this, he came to me in the Street, and asked me, why I had asked him if I was at liberty.—Because, says I, *John Wilcocks* had told me thou was the Commanding Officer.

The Pass was as follows, viz.

SIR,

PERMIT Mr. *Hermon Husband* to pass your Guard and Centinels. I am,

Sir, your most humble Servant,

THOMAS LOYD, *Major-General.*

To the Officer of the
Guard, at the West
End of *Hilborough*,
Saturday Noon.

The following is the Qualification of *Peter Savory*, who, at this Campaign bore the Title of Captain *Savory*, for I had observed him to Look at some of the Soldiers.

His Evidence is as follows, viz.

Orange Coun- } THIS Day came *Peter Sa-*
ty, ss. } vory before me, and made
Oath, That at last *Semptember* Superior Court he
G saw

saw several young Men a pushing their Bayonets towards *Hermon Husband*, but did not know them to touch him. Certified under my Hand, this 25th Day of *March*, 1769.

JOHN PRYOR.

On *Mondy* Morning two or three of my Neighbours had come ; and as soon as Court sat, Colonel *Faking* accused me of Crimes committed since I had entered into the Recognizances, and signified they were of so high a Nature as concerned my Life.

Hereupon I was committed to Prison.—— And the first Salutation I received from the Prisoners, was their Pointing to a Gallows, erected between two Joyces of the Prison, right over the middle of the Floor ; and the Prison was new built, of a higher Pitch than usual, and fortified round.

Here were nine or ten Prisoners, Most on account of the Regulation, and the Prison so little, that we could not all lay down at once. The Remembrance of what I had read of Inquisitions, East-India Imprisonments, &c. was now very fresh in my Mind.

At Night *William Butler* and me were sent for ; and there were some men procured to be our Bail ; ——but when I got out I found my Neighbours and Evidences were all gone. If property was of no Value to me before, it was less now. I looked on myself as a Captive among Enemy Indians, Nabobs, or Lord Inquisitors. I try'd the Lawyers, whether they were fond of greater Obligations ; and, as I hinted before, my Senses was good enough ; and I remembered the story of the Beaver, that when he was chased for his Stones, cut them out, and threw them away. So I gave them what Notes or Bonds they pleased to write ; for I never read or examined a Word in them.

At next Superior Court, before my Trial came on, these Obligations were demanded of me ; but
I de-

I denied Payment of them, as I looked on them to be of no Force; and the Lawyers urged Honour in the Case.

Upon which I told them to quit the Obligations, and I would pay them as much as I could do with Honour, and without being laughed at for a Fool.

However, they have sued for the Obligations; ——— and for the Information of the Publick, and all Concerned for Justice, I would inform them, That our Law, by Chap. IV. in Section the 2d. of Volume 1st, Page 111, allows an Attorney Thirty Shillings for a Suit in the General Court, and Fifteen Shillings in the County Courts; which, as by the Preamble to the said Law may be seen, was thought sufficient to compensate an Attorney for his Trouble for prosecuting or defending any Suit or Cause in any of the said Courts in this Province.

And in Page the 10th of Volume the 3d, in 44th Section, a Lawyer's Fee is declared to be Thirty Shillings in the Superior Court; and in the Fee Bill, Attorney-General's Fee is to be in common Suits the same as another Attorney, which implies other Attornies Fees were ascertained. Neither are they authorized by any Law to take more; nor is there any other larger Fees any where established.

And by the Law, in Page 140, Section 11, any Person or Persons whatsoever are debarred from creating, making, demanding or receiving any other Fees than such as shall be established by the Governor, Council and General-Assembly.

Here is no Exception made of Lawyers.—— The Lawyers will attempt to urge, that any Tradesman has a Liberty to make a Bargain, and set a Price on his own Work, according as he does his Work;——for, say they, if we must be confined to the lawful Fee, we will do no more for that Fee than the Law obliges us to do.

To the first I say, No Tradesman could be at such Liberty were there the same Laws prohibiting them,

them, and setting Bounds to the Prices of their Work as there is to Lawyers Fees.—— Neither is there the same Reason to set Bounds to the one as there is to the other;———for if one Man will have Finery and Superfluity on a Piece of work, and pay a high Price for it, this does not oblige his Neighbour to do so too. Whereas by giving a larger Fee to a Lawyer than is sufficient to compensate him, taking one Action with another, for his Trouble and Expence in prosecuting or defending any Suit or Cause, so far as is necessary and just, so far the Law obliges him to; (in Answer to the last Part of the Objection.) I say, by one Man's giving more, it is attended with this Evil; such Attorney can afford and will study so much Sophistry and false Arguments and Glosses, that will blind Influence and confuse the Jury, as makes it necessary for the other honest Man to run to the same Expence, just to unravel and undo the false unnecessary Work the other has done; and in all this Cost and Expence (which is not only their Fees) there is not the least Benefit; nor is it in the least conducive to come at Truth and Justice, but quite contrarily renders it obscure and Dark: And at best, where the Parties are equally yoked, it makes the same Justice costly and hard to be come at, and serves to encrease an unnecessary Number of Men, as Lawyers, who might be useful Members of Society in following other necessary Business. And this Evil has always been foreseen by all Legislative Bodies, who have bounded their Fees by the Laws.—— But Man's Ambition, who are contentious one against another, has prompted them to such a willing Compliance to the Layer's Avarice, in Violation of those Laws, that in this Province, and perhaps all others, this Evil has grown so, that it Affects the peaceable honest Man so much, that the Lawyers has become the greatest Burden and Bane of Society that we have to struggle under; which Instances are so numerous, it would be tedious

dious to mention more than a few Instances.

First, they have by these unlawful Means been impowered to calculate the Laws to suit their Purposes; and where a contentious Fellow owes an honest Man a just Debt, we will suppose it but Five Pounds, a Lawyer will have Thirty Shillings for this Cause in the County Court, and Five Pounds in the Superior if he appeals; where, if the honest Man gains his Action, he recovers Seven Pounds Five Shillings; and is Six Pounds Ten Shillings out of Pocket, and so recovers just Fifteen Shillings for his Five Pounds.

And where an honest Man is indicted by a Rogue, he must pay a Lawyer at least Five Pounds; and if he is acquitted or not, the Cost, besides Five Pounds, is the least they will look at now a-Days; and this every Year growing higher Ten Pounds, and Fifty Pounds in difficult Cases. And if a Lawyer may extort of me Five Pounds, why not Three Hundred or Five Hundred?—as in my own Case; for I was acquitted, as will be seen hereafter.

When a Man is guilty of a Crime, and pays dear for it, he has a Remedy wherewith to guard himself for the future, that is, to take Care and not be guilty a second Time; but an honest Man has no Refuge, but is liable to the same Cost every Year.

If a Man owes me a Debt of Twenty Pounds, I am sure to be three Pounds Ten Shillings out of Pocket; for no Lawyer will touch my Cause for less than Five Pounds; and I can recover but Thirty Shillings:—And many Times they ask Ten Pounds; and why not in Time grow as generally to Ten.

Now is it not strange what Custom will do; it is a second Nature, as it is justly called.——For in this Case the Lawyers have practised taking Extortionary Fees so long, without being punished, either by the Penal Laws or Indictments, both which they are liable to; that they now are hardy

dy enough to attempt to recover extortionary Fees by the Law.

I hope the Province will not be long so grossly blinded; suppose I suffer now through the Stupidity which Custom has blinded us with.

The following is a Copy, off the Docket, relating to the Indictments at this Court against the Principal Persons, one on each Side, viz.

North-Carolina, Hillsborough District. } **A**T a Superior Court of Justice, began and held for the District of Hillsborough, at the Court-house in the Town of Hillsborough, on the 22d Day of September, 1768.

P R E S E N T,

The Honourable MARTIN EDWARDS, Esquire, Chief Justice, and MAURICE MOORE and RICHARD HENDERSON, Esquires, His Majesty's Associates, &c.

The King } Indictment
agst. } for
Hermon Husband. } a Rout. } Ignoramus.

Edmond Faning,
George Henry,
John Butler,
John Lea,
Zach. Rogers, } Witnesses.

Same } Indictment
agst. } for
Same. } a Rout. } Ignoramus.

William Holmes,
George Henry, } Witnesses.

Same

Same } Indictment {
 agst. } for { Ignoramus.
 Same. } a Rout. }

Same Witnesses.

Same } Indictment {
 agst. } for { A true Bill.
 Same. } a Rout. }

Same Witnesses.

And the Defendant, by his Attorney, comes and defends the Force and Injury, when and where, &c. and saith, that he is not Guilty in Manner and Form as the Plaintiff against him hath declared; and of this he puts himself upon God and the Country: Therefore let a Jury come, agreeable to Act of Assembly, to Recognize, &c.

The same Day came the Defendant by his Attorney; whereupon came also a Jury, viz. J—— M——, B—— W——, J—— K——, M—— R——, A—— H——, A—— W——, W—— D——, R—— K——, G—— R——, J—— B——, J—— M——, and R—— W——, who being elected, try'd, and sworn the Truth to speak, upon the Issue joined, upon their Oaths do say, That the Defendant is not Guilty in Manner and Form set forth in the Indictment.——Therefore it is the Opinion of the Court that the Defendant be discharged by Proclamation, &c.

True Copy.—Test.

J. WATSON, Clerk.

North.

North-Carolina, Hillsborough District.

AT a Superior Court of Justice, began and held for the District of Hillsborough, at the Court-house in Hillsborough Town, on the 22d Day of September, 1768.

P R E S E N T,

The Honourable MARTIN HOWARD, Esquire, Chief Justice, MAURICE MOORE, and RICHARD HENDERSON, Esquires, His Majesty's Associates.

The King agst. <i>Edmond Fanning.</i>	}	Indictment for Extor.	}	Pleads not Guilty.
				{ Jury impannel- ed and sworn, find the Defen- dant Guilty : Fined One Pen- ny, and Costs.

Same agst. Same.	}	Indictment for Extor.	}	Same Plea.	}	Same Entry.
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Same agst. Same.	}	Indictment for Extor.	}	Same Plea.	}	Same Entry.
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Same agst. Same.	}	Indictment for Extor.	}	Same Plea.	}	Same Entry.
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Same agst. Same.	}	Indictment for Extor.	}	Same Plea.	}	Same Entry.
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Same agst. Same.	}	Indictment for Extor.	}	Same Plea.	}	Same Entry.
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Same

Same	}	Indictment	}	Aute fau Convict.
agst.		for		
Same.		Extor.		

There are many more, but these may suffice. &c.

William Butler and two others were tried, and found guilty, and sentenced to lay in Prison some Months, and pay a large Fine; ——— but at the Close of the Court, two of the Prisoners Broke out, and the third, though the Door was open, would not go till he got a Discharge.

The Governor's Men began to die with the Flux; and the Officers being found guilty, they grew generally very discontented and angry.— The Governor sent a Discharge after the two other Prisoners, and a General Pardon, excepting a few in a County, and disbanded all his Men.— Nor ever did Men look more sheepish and ashamed than they did as they returned, endeavouring to keep up their Countenance by Hooping and Hooraying for the Regulators.

On the Trial of one of the Prisoners for rescuing the Mare, taken for the Taxes, the Attornies mentioned that the Legality of the said Tax was Disputed; and one of the Judges, in Answer, said, That was not a legal way to dispute it; but if any one thought the Tax not legal, they ought to Indite the Sheriff.

This being observed by *Hermon Husband*, he consulted Attorney-General, observing it to him, who not only remembered the Advice but concurred therewith. Whereupon *Hermon Husband* indited one of the Sheriffs; who, being found not Guilty, sued the said *Husband* for a malicious Prosecution.— But the Assembly being soon called, and this being a material Point, and having received no Satisfaction either from the Governor's Answer on this Head, nor yet from the Proceedings and Examinations the Court made thereon, we particularly laid it again before the Assembly,

H

who

who thereupon resolved, That Three Shillings of the publick Tax was wrong; or no more to be collected: Yet, notwithstanding, the Sheriffs continued to demand it of us.

At the next Superior Court, which was on the 22d. of March, 1769, we made some farther Trials at the Law, but met with less Encouragement of obtaining Redress in that Way than we had the Court before.

We minuted down some of the Trials, which was in Substance as follows.

On a Trial, the King against E—— F——, for Extortion in his having taken Six Shillings for Registering a Deed.—— He urged in his Plea, that he was ignorant of the Law, in that he put another Construction on the Words, &c. and that he did apply to the County Court, and they judged there was Two and Eight pence for the Deed, and Two and Eight-pence for any other Writing, and 7d. for the Certificate, and 7d. more for recording the Certificate, in all Six Shillings and Six-pence; but that he had generously quit the Six-pence.

Now he had pleaded this like Cause several Times before, in one of which he had took Nine Shillings and Two-pence, pleading in that one Case there were two other Pieces of Writing.

Attorney-General, as he had done before, shewed the other piece of Writing, mentioned in the Table of Fees, to have no Relation to Deeds at all but Bills of Sale, or other Papers that might happen to want to be recorded; and before he had observed that there was no Certainty in the Matter at all, if it was allowed to make another Piece of Writing out of the Deed; for, with as good Reason, it might be divided into two or ten Pieces of Writing.

When Attorney General was going to reply to the Plea of the inferior Courts Judgment, F——g stopped him; saying, I give up that, and lay no Stress at all on it.

Then

Then———rose up, and gave a Charge to the Jury, to this effect;———That though his own Judgment was one with Attorney-General, and the same he had Given on the like Occasion twice before, yet he would remind them of what C———F———g alledged in his own Favour,———and so recounted over how he had obtained the Judgment of the said Inferior Court,———who made the Fees out thus; for recording a Deed Two Shillings and Eight-pence, for the other Piece of Writing Two Shillings and Eight-pence, and for recording the Certificate Seven-pence, which makes (says he) Six Shillings and One Penny; so that in the Way they constructed the Words of the Law, he took One Penny less.

Here Attorney-General says it comes to but Five Shillings and Eleven-pence that way,———this putting him to a Stand,———F———g says, there was two other Pieces of Writing.———ay, says———there was two other Pieces of Writing, which at Two Shillings and Eight-pence a Piece, with the Deed and Certificate, comes to———(here he figured a little) Eight and Seven-pence, and so according to this Way Colonel ——F———g took Two Shillings and Seven-pence, less. &c.

I have mentioned this to show the Difficulty and Uncertainty of these methods; by which like Method all our Officers make out their extortionary Bills, and scarce one of them can Make out a Bill twice the same Way, or any two to make out a Bill to come to the same Sum. I have seen them pinched here many a time, and not only in this, but when they have had a Bill in their Hand with the Sum in Lumps, they could not make it answer when they undertook to divide it into Particulars. In which Extremity, they generally tell me, that it takes a good Lawyer to make out a Fee-Bill; and that few Men in the Province could do it but Major M———, and
Mr.

Mr. B——guin; and Intimated it as Vain and a Crime for any Common Man to pretend to understand the Fee-Bill.

But they have been put to it what to answer me, when I reminded them, that the Legislative Body calculated it for, and supposed every Man to understand it, and that it was a Pity every Officer could not carry Major M——, or Mr. B——n, in their Pockets.

However, to proceed to the Minutes of Trials, &c.

On a Trial, the King against John Wood, &c.

The King proved, that Stephen Jones, having a Writ served on John Erwin for a Debt of Six Pounds; that on serving the Writ Jones and Erwin agreed. But neither of them paying the Cost, this Sheriff, John Wood, served an Execution on Jones for the Cost, and took thereupon Fifty Shillings and Eight-pence, exclusive of Thirty Shillings, which Jones paid a Lawyer.

Attorney-General told the Court and Jury, that he had examined the Laws, and could make out no such Fees.

The Judge ordered the Defendant to make them out; whereupon the Bill was handed up to the Judge, and he seperated the Clerk's Bill from the Sheriff's, and Ordered them to make out the Sheriff's Fees, he being only the Defendant.——

The Clerk's Bill was Twenty-six Shillings and Eight-Pence, and when the seperate Bill was handed up, the Judge asked, what is this Ten Shillings and Eight-Pence for?——And when the Defendant's Attorney says, for so and so, &c.——The Judge said, that is already Charged in the Clerk's Bill, and is Part of the Twenty-six Shillings and Eight-pence, which I have seperated.

After some Time they handed it up again, but he returned it in the same Manner, saying, some other Part of the Twenty-six Shillings and Eight-pence, was still charged over again.

The

The Defendant's Attornies, for he had two or three, took the Law-Book into the Bar, and kept working at it so long as tired the Judge so, that he began to complain.

Then one of the Attornies began to Read over the Bill, or say it over by Head, thus; there is One Shilling for a Bail Bond, and One Shilling and Four-pence, for serving a Declaration,—— and was going on, when Attorney-General says, there was no Bail taken, nor no Declaration; the Case was immediatly agreed, &c.

After a While, one of them again gets up, and says,——And please your Honour, I have found away to make it out, there was Two Shillings and Eight-pence for Commitment, and Two Shillings and Eight-pence, for Releasement. —— But Attorney-General says, there was no Commitment in the Case, nor Bail, I am sensible. Where Bail is necessary, though a Sheriff don't take Bail, yet as he then stands Culpable himself, he might with some Reason charge for the Bond; but no Bail was necessary in this Case; the Action was immediately agreed.

The Defendant's Attorney replies, addressing himself to the Court; in the ordinary Course of Practice, Bail is necessary. And Mr. Attorney (looking at him) you allow all Fees to be due which should or ought to have been done.

Attorney-General replies, for my Part, I tell you I have examined the Laws, and can make out no such Fees.——But let the Jury take the Law Book with them, and if they can make out such Fees, it is nothing to me; for my Part I can't: The action was immediatly agreed.

Upon this the Judge gave the Jury their Charge, and told them they had to consider how much Terror Sheriffs must be under from the late Disturbances, &c. And that he had been informed their Salaries were low; so that they had this to consider, that whether, if the Sheriffs are too much discouraged,

couraged, it would not be hard to get any to officiate.

The Jury found the Defendant not Guilty, and sealed up their Verdict till Court sat next Morning. But we being alarmed at such Proceedings, shewed the aforesaid Minutes to the Jury, and also to Attorney-General, with the following supposition; upon which the Jury Disagreed to their Verdict. And the Matter being debated over again, they found him guilty.

The Supposition was thus; with a little Amendment, *viz.*

LET us suppose this case had been between a Farmer, Plaintiff, and a Black-smith, Defendant.

————The Farmer proves that he sent to the Black-smith for a Colter; that he got one which was not steeled, and that the Smith dying immediately,——his Executors sent to the Farmer and demanded and received Thirty-four Shillings and Six-pence, which he had paid;—but now had sued them for wronging him.

The Plaintiff's Attorney informed the Court, that by the Smith's Book no such Account was to be found:————The Judge then desired the Defendant to make it out.————He produced his Account stated thus;

To a new Colter, Weight 10lb.	£	0	15	0
To six Sharps, - - - -		0	3	0
To eight Do. - - - -		0	4	0
To laying the Colter, - -		0	5	0
To the Forge for 15lb. Iron, -		0	7	6
	£	1	14	6

The Judge soon seperated the last Seven Shillings and Six-pence, being twice charged, it being included in the first Fifteen Shillings.——So then the Defendant's Attornies, allowing the Sharpings and Layings for granted, had to make out that Seven Shillings and Six-pence; and they kept

kept Searching the Book till the Judge's patience was tired, and he complained. Then one begins to say over the Account; there is a Shilling for a Key to every Colter, and One Shilling and Sixpence for steel.——But the Plaintiffs's Attorney says, there was no Key nor Steel in the Case.

——Then after some Time, says one of them, And please your Honour, I have found a Way to make it out; here is Five Shillings for making a Shear to the Colter, and Two Shillings and Sixpence for Steel, which is charged in most Peoples Accounts.——But the Plaintiff's Attorney says, We had no Shear, no Steel nor Key; the Black-Smith died immediatly before ever the Colter was used, as has been proven. I am sensible that by a bad Heat a Black-Smith might put Steel on a Colter, which, possibly, might drop off before it came into the Owner's Hands; and it might possible be charged: But then the Black-Smith stands liable to put it on, and make it good.

The Defendant's Attorney replies, And please the Court, in the ordinary Course of practice there is always a Shear to every Colter, and they are generally steel'd. And Mr. Attorney, (looking at the Plaintiff's Attorney) you allow that Steeling may be charged, though so badly put on as to come off; and with as good Reason it may be charged though not done at all, because in the general Course of Practice it ought to have been done, &c. &c. &c.

A Word to the Wise is sufficient.

By the Fee-Bill, the whole Cost of this Suit came to but Fourteen Shillings and One Penny, after reckoning up every Service that possibly could have been done, *viz.*

To entring Jones and Erwin on Docket,	-	-	-	£	0	0	7
Entring an Attorney; the Law allows nothing; but suppose	-	-	-		0	0	7
				<hr/>			
Carried forward,				£	0	1	2

Brought forward,	£	0	1	2
To a Writ,	-	0	1	1
To serving the Writ,	-	0	5	4
To Calling the Action in Court,	-	0	0	4
Sheriff returning it agreed; no Allowance in Law; suppose	-	0	0	4
Entring the Action agreed,	-	0	0	7
Calling it over agreed,	-	0	0	4
		<hr/>		
		0	9	2
Drawing Bill of Cost,	-	0	0	7
Issuing Execution,	-	0	1	4
Serving Execution, One Shilling in Pound,	-	0	0	6
Tax-fee, if due,	-	0	2	6
		<hr/>		
		£	0	14 1

The Governor had dissolved our Assembly, and granted us a new Election on the 19th of July, 1768, a little before which, the Regulators wrote the following Address to the Inhabitants in general.

To the INHABITANTS of the Province of
North-Carolina.

Dear Brethren,

NOTHING is more common than for Persons who look upon themselves to be injured than to resent and complain. These are sounded aloud, and plain in Proportion to the Apprehension of it. Our Fearfulness too, frequently augment our real as well as apparent Dangers. Let us adjust our Complaints or Resentments to the Reality as well as the Nature of the Injury received.

Excess in any Matter breeds Contempt; whereas strict Propriety obtains the Suffrage of every Class. The Oppression of inferior Individuals must only demand Tutelage of Superiors; and in civil Matters our Cries should reach the authoritative Ear, when the Weight
that

that crusheth descendeth from the higher Powers.—— But when imposed by the Populace, to the Populace our Complaints must extend.—— When therefore the Cry of any City, Province or Nation is general, it must be generally directed to the Source from whence the Cry is caused.

The late Commotions and crying Dissatisfactions among the common People of this Province, is not unknown nor unfelt by any thinking Person.—— No Person among you could be at a Loos to find out the true Cause.—— I dare venture to assert you all advised to the Application of the Publick Money;—— these you saw misapplied to the enriching of Individuals, or at least embezzled in some way without defraying the publick Expences. Have not your Purses been pilaged by the exorbitant and unlawful Fees taken by Officers, Clerks, &c.—— I need not mention the intolerable expensive Method of Recovery by Law, occasioned by the narrow Limits of the inferior Court's Jurisdiction.—— Have you not been grieved to find the Power of our County Courts so curtailed, that scarce the Shadow of Power is left. This Body, however respectable, is intrusted with little more than might pertain to the Jurisdiction of a single Magistrate, or at least two or three Justices of the Peace in Conjunction.—— In Consequence of this, very small Sums drags us to Superior Courts.—— These must be attended with all our Evidences, altho' many at the Distance of 150 Miles. Add to this a double Fee to all Officers; hence we are made feelingly sensible, that our necessary Expences, with the additional Costs, are equal, if not surpass the original Sum.

For what End was the Jurisdiction of the Courts reduced to such narrow Limits? Is it not to fill the Superior Houses with Business? Why has the Authority fallen upon this wonderful Expedient? Is it not evident, that this was calculated for the Emolument of Lawyers, Clerks, &c. What other Reason can be assigned for this amazing Scheme?—— none Brethren, none!

Has not the Charges of Government been unnecessarily raised, to the great Encrease of the Publick Tax? Has not the Publick Money been intrusted in Hands of insuffi-

cient Persons, without sufficient Securities, or due Care taken in accounting for, and recovering the same? Has not this often reduced us to the disagreeable Necessity of contributing or paying by Tax the Sum once raised—but through Carelessness or Neglect, or something worse, uselessly consumed? To what doth this tend? is not the Issue manifestly the Impoverishment of the Country?—fatal Consequences.

The Exorbitant, not to say unlawful Fees, required and assumed by Officers,——the unnecessary, not to say destructive Abridgement of a Court's Jurisdiction,——the enormous Encrease of the provincial Tax unnecessarily; these are Evils of which no Person can be insensible, and which I doubt not has been lamented by each of you. It must have obliged you to examine from what Quarter Relief might be found against these sad Calamities:——In vain will you search for a Remedy until you find out the Disease.

Many are accusing the Legislative Body as the Source of all those woful Calamities.——These, it must be confessed, are the instrumental Cause; they can, yea do impose some of these heavy Burdens.——But whence received they this Power? Is not their Power delegated from the Populace? The original principal Cause is our own blind stupid Conduct.

If it be queried, How doth our Conduct contribute to this? Answer presents itself——we have chosen Persons to represent us to make Laws, &c. whose former Conduct and Circumstance might have given us the highest Reason to expect they would sacrifice the true Interest of their Country to Avarice, or Ambition, or both.

I need not inform you, that a Majority of our Assembly is composed of Lawyers, Clerks, and others in Connection with them, while by our own Voice we have excluded the Planter.——Is it not evident their own private Interest is, designed in the whole Train of our Laws?——We have not the least Reason to expect the Good of the Farmer, and consequently of the Community, will be consulted, by those who hang on Favour, or depend on the Intricacies of the Laws.——What can be expected from those who have ever disco-
vered

vered a Want of good Principles, and whose highest Study is the Promotion of their Wealth; and with whom the Interest of the Publick, when it comes in Competition with their private Advantages, is suffered to sink? —nothing less than the Ruin of the Publick.——

Have we not hitherto, in a great Degree, chosen such Men as have been described? Nay, have they not been such as are dependant in their Fortunes, with great Expectations from others, or enjoy Places of Benefit and Trust in the Government? Doth not Reason declare we might expect such cringing Vassals would readily sacrifice the Interest of the Community to the Idol Self?——Are not such Persons utterly disqualified for supporting our Rights and Properties? ——Is it not high Time to seek an Antidote against such deadly Poison, before it utterly destroys us?

But you will say, what is the Remedy against this malignant Disease?

I will venture to prescribe a sovereign one if duly applied; that is, as you have now a fit Opportunity, choose for your Representatives or Burgesses such Men as have given you the strongest Reason to believe they are truly honest: Such as are disinterested, publick spirited, who will not allow their private Advantage once to stand in Competition with the publick Good.

You grant the Prescription is sovereign: But how shall you obtain such? I answer: Let your Judgment be formed on their past Conduct; let them be such as have been unblamable in Life, independant in thier Fortunes, without Expectations from others; let them be such as enjoy no Places of Benefit under the Government; such as do not depend upon Favour for their Living, nor do derive Profit or Advantage from the intricate Perplexity of the Law. In short, let them be Men whose private Interest neither doth nor can clash with the Interest or special Good of their Country.

Are you not sensible, Brethren, that we have too long groaned in Secret under the Weight of these crushing Mischiefs? How long will ye in this servile Manner subject yourselves to Slavery? Now shew yourselves to be Freemen, and for once assert your Liberty and main-

tain

gain your Rights——This, this Election let us exert ourselves, and show, that we will not through Fear, Favour or Affection, bow and subject ourselves to those who, under the Mask of Friendship, have long drawn Calamities upon us.

Should we now through Fear or Favour act as we have done, contrary to Duty and Interest; so far as we do this, we contribute to all the Mischief consequent upon it.——Where then is that moving Principle Self-preservation? Will you, can you, voluntarily submit yourselves to Ignominy and Want? These will aggrandize themselves and swim in Opulence.

Have they not monopolized your Properties; and what is wanting but Time to draw from you the last Farthing? Who that has the Spirit of a Man could endure this? Who that has the least Spark of Love to his Country or to himself would bear the Delusion?

In a special Manner then, let us, at this Election, rouse all our Powers to act like free publick spirited Men, knowing that he that betrays the Cause now betrays his Country, and must sink in the general Ruin.

And as the Inhabitants of Rowan could get no Indictments preferred against their Officers in Salisbury District, they had sent to us, and J— H—r went to their assistance; and by the Letter following you my form some Idea how Matters were carried on, viz.

Salisbury, September 14, 1769.

To Mr. HUSBAND, Representative for
Orange County.

SIR,

A G R E E A B L E to the Resolutions of a Committee, held at Joshua T———'s, last Month, about six or seven of us attended Salisbury general Court to indict our Officers; when, to our Astonishment, we found the Grand Jury to be Composed of our inveterate Enemies, and of such as has been our greatest Oppressors.——No
less

less than five of them were old Sheriffs.——

In fine, there were but two or three but what were Limbs of the law.——However, we were resolved to try what Justice could be obtained, as we have been so often referred thereto by the Governor, and others of the first Rank in the Province, who had so repeatedly urged us to legal Steps, assuring us, we should every where obtain the highest Justice; and one had told us he always would be there and see that we had Justice: So relying on these Promises, and being conscious the Laws was against them who had so repeatedly broke them, besides the Cries of the People was so great, and Oppressions so many, that we durst hardly return home before trial made.——We applied to Mr. H——r, Deputy under Attorney-General, he appeared well pleased with our Design, and assured us he would do all in his Power to serve us.

A Bill was Perferred against F———k, for Extortion, in taking Eight Pounds Five Shillings of the Widow C———, for the Cost of an Indictment against her. And the Bill found Ignoramus it was proved by the Oath of J——h H———n, that he paid the Money for the Widow to the Sub-Sheriff for the use of the said F———k; and proved by the Oath of J———D———, a Lawyer, that he got the Receipt of the Widow some Time ago, in Order to procure Redress for her; but that he had lost it; but that it was for Eight Pounds Five Shillings. And A———m———C———n proved, that F———k asked him, when he was making out the Bill against the Widow, what Circumstances she was in; and he said in very good, and had money by her, If that be the Case, says F———k, I must double the Bill.

However, the bill was found Ignoramus, &c.

This

This Letter was longer :———— After giving an Account of several more Trials, and all found Ignoramus, they were informed by one of the Magistrates, which was confirmed by an Assemblyman, that the Jury was not the same Men which was appointed by Authority.

This Letter was read before our Assembly, and is in the Clerk's Office there.

Another Petition went from Hillsborough Court, which, after reciting over how much the Governor and Authority had recommended us to the Law, comes to the Matter in Hand, thus, *viz.*

S O that to the Law we must go to find Redress. Accordingly to Law we went, and the present design of this Paper is, in as brief a manner as possible, to lay before you our Proceedings and Success therein.

Before the first Court happened, Troops were raising in all Quarters, as was said, to guard the Court.———— The Effect of these Troops was, that every Man coming into Court was examined what Business he had : And every one who dared to own, that it was to complain of Officers, was ill used by the Guards and Soldiery, and scared away home ;———— but some few who would not be scared away was ordered out of town by the Commanding Officers at a few Minutes Warning. None could stay but Prisoners, and them denied of Attornies, unless they would give Bonds for Fifty and to Three Hundred Pounds to each Attorney.

But notwithstanding all which, by the Industry of one of the Prisoners, some was encouraged to come back, and three or four Actions against an Officer was tried, and the Officer convicted, who was fined One Penny, &c.

During the Time to the next Court, all other Officers, except this one, continued to take the same extortionary Fees as before : And no Troops being raised against us, at the next Court, People flocked in to make Informations. But besides the
Diffi-

Difficulty of attending Courts from thirty to sixty miles, and the Officers threatening to sue for malicious Prosecutions, and take all other Advantages of the Law.———Besides all this, the Attorney-General did not attend the two or three first days of Court; so that most of the People had gone Home.

Some Informations, however, was made after he came, and a few of them tried, in which the Officers was all convicted, except in one Instance, and immediately that one prosecutor was sued.—Minutes of some of those trials were took down in writing; in which are matters so curious, that we suppose Instances of the Kind are not to be found elsewhere.

Among other Things, that the Jury was picked, and calculated of such weak and low Capacities, that when they had agreed on a Verdict, and mixed among Men before they gave it in, by hearing others Sentiments, they disagreed to it when given in: And this was repeated so often, with such Marks of Incapacity mixed with honest Principles, that the Consequence was such Confusion and Contradiction, that the Jury was discharged at the Bar, after a Verdict agreed to, and then disagreed. And other Confessions, that two of the Jury overruled the rest; and the Action was continued to the next Court; and this court adjourned.

We found, afterwards, these two men of the Jury that overruled, were much prejudiced in favour of the Officers.———This Discovery put us on examining how the Juries were appointed, and finding that to be the Province of the Justices of the Inferior Court, we made some Complaints of this Usage to our Justices.———But hearing of the Proceedings at Salisbury before our general Court came on, we were prepared ourselves for Observations, and the first we had to make was that the Chief Justice and Attorney-General, in

in whom only we had much Confidence, that neither of them was at this court.

2d. We observed the Deputy Attorney, and both Associate Judges, lodged with him whom we looked on as our chief Enemy, and Cause of our Oppressions.———So that Men of common Modesty was deterred from applying to him.

3d. We observed the Petty Jury was not Picked this court, but the Grand Jury was to all Intents.

4th. We observed no Petty Jury Causes were try'd this Court against Officers: So that poor Men, who had attended all last Court, and most of this, (before it was known) and thirty or forty Miles from Home, must attend a third Court.

Some, who had more Boldness than others, apply'd to Deputy ———, and made Information against the Clerk of the Inferior Court for taking Three Pounds Four Shillings and Six-pence for his own Fee on a Common Attachment.———He told them he must have the Informations in Writing.———They found a Clerk, and carries it in writing.———Then it wanted a Date, or Name, and then something else, till at length they got one almost right; but had gone from Office to Office so often, that one of the clerk's D———d them for a Pack of Sons of B———s, and denied serving them.

Deputy Attorney came also out of his Fortification into the Street, and complain'd he had been so much harass'd, that he was almost sick.

The Bill against the Clerk and some more, being at length preferred, was all Ignoramus.

Next Day Deputy told W——— B———r he would hear no more of us; and as W——— B———r made Complaint of this to the Court, Deputy said, it was a Lie; and that he only refused him on his ill Behaviour; and *said he was an ill Person; running about, taking other people's business to do.*———But in *this he was mistaken* for Butler's Business was his *own; though some*

of the other, according to the Governor's Directions, was willing to make Informations in Behalf of the injured. Some made Informations to single Justices for petty Fines; the Consequence of which was, Judgment went against the Defendant for the Fine, and against the Plaintiff for the Cost; and the Justice, with a Loud Voice, berating him for a mean pitiful Informer.

Others applied to Attornies to bring Suit on the Penal Laws, when they not only found by a late Law, that the clerks of Courts were hedged in from the Force of the Penal Laws by ordering Suit to be brought against them by a Motion to Court, and the Justices to fine them at Discretion, if it appeared that they had wilfully extorted, &c. By all which, we could understand the Prosecutor, as Matters now stand, would get his Labour for his pains, and the clerk's clear of any Cost, &c. &c.

This Letter, which contained much more, was also read before the Assembly in October, 1769, and is in the Clerk's Office there.

We draw now near to an End, for our Assembly was dissolved before they could do any Business of Consequence; so that all Things are left in Confusion and Disorder. We had thirty odd new Members this session; and we hope a few more of the old Ones will be left out against another. We shall conclude, with a Plea in Behalf of a Motion that was made in the House last Sessions for encouraging the first Settlers of the Back vacant Lands; ———— and two other Pieces, intituled, SERMONS; being an Abridgment of a Pamphlet of a late nameless Author.

The Order in which we shall Proceed in the Plea is, First, to give a Relation of the Circumstances that the Petitioners, (settlers on the vacant Lands in the Earl of Granville District) are in, and the Danger there is of their suffering Injustice.

2dly. To show that the Spirit of the Law, from the most unexceptionable Authors, is to do Equity

and Justice to the Poor, where the Letter of the Law may be wanting or against them.——A proper Work for Assemblies.

3dly. To shew, that it has been the Opinion of all the several Legislative Bodies, both of Great-Britain and her Colonies, that peaceable Possession, especially of back waste vacant Lands, is a Kind of Right, always looked upon quite sufficient to entitle them to the Preference or Refusal of a farther Title; and that Individuals should not hold unreasonable Quantities of waste Lands; and then conclude, with such Observations as may occur.

First, THE Earl of Granville's Lands, with all other Proprietors lands, have been let out by a Publick Office, without Respect of Persons.—— And the common Method that has been used by the Poor, and has been always countenanced and approved of, has been to move out, from the interior Parts to the back Lands, with their Families, and find a Spot, whereon they built a Hut, and made some Improvements before they went to the Office for a Title, which is generally too or three hundred Miles off.——This Method has been used from New-England to Georgia, some Hundreds of Years past, even time out of Mind, and has ever been allowed of good consequence.

Now the Earl of Granville's Office, shut in such a Manner, that no one in the Province knew but it would open again every Year;—— and no order were ever given to forbid such Method of Settling, so that all Sorts of People have continued to seat the Vacant Lands as usual, in full Confidence of the Preference of a Title; and have made such Improvements as sells, one among another, for upwards of One Hundred Pounds, expecting the Office to open every Year;——but four or five years being now elapsed, there is so much of the Lands seated under these Circumstances, that Individuals in Power, and who has Money, are Marking them out
for

for a Prey; and are lodging Money, and making Friends with such as are likely to have a better Chance to hear, and repair to the Land Office, when ever it shall open,—if not even Repair to it in England.

Some Designs of this Kind we doubt is too true; and though it cannot be supposed that any Proprietor whatsoever but will incline to the same Principles of Justice and Equity that have been so long in practice; but the Danger is of their being imposed on: For late Experience, in Colonel Corbin's Time, has shewn us, that though he professed, and always attempted to do this Justice, yet the Disputes and controversies became so numerous by the Country's encreasing so fast, and the Distance so far, that he could come at no Certainty in these Matters, and was obliged to quit it.——Which shows us, it is a Defect in Government, that no Provision is made in these Cases. Mr. Thomas Child had very Particular and special Instructions to follow the same Principles of Justice; who told a certain Person, who applied to him in behalf of a good many Sufferers, that though it was his Lordship's earnest Desire to distribute the strictest Equity and Justice among his Tenants here, yet when he came to put it in practice, the Number of complaints, and vast Distance of the way, rendered it impracticable, by Reason he could come at no Certainty of the Truth.——And this will be ten-fold more the Case whenever the Office opens again.

The Method of Redress that is proposed is, to Pass a Law, that whoever among us shall enter such Improvements, over the head of any such peaceable first Inhabitant, either by himself or by Virtue of a Purchase, shall be liable to an Action at Common Law, and subject to pay the Owner the full Value of his Labour, and Damages of moving to another Place, unless such Person had given six Months Warning before Evidences to such Inhabitant. Such a Law will no ways interfere
with

with his Lordship's Office, but contrarily prevent Disputes from appearing there.

To proceed to the second Head Proposed, I will recite a Passage out of the Fifth of *Nehemiah*, Governor under *Artaxerxes*, viz.

“ A N D there was a great Cry of the People, and of their wives, against their Brethren the Jews ; for there was that said, we our Sons and our Daughters are many ; therefore we take up Corn for them that we may eat and live.

“ Some also there were that said, we have mortgaged our Lands, Vineyards and Houses, that we might buy Corn because of the dearth.

“ There were also that said, we have borrowed Money for the King's Tribute, (or to pay our Taxes) and that upon our Lands and Vineyards ; yet now our Flesh is as the Flesh of our Brethren, and our children as their children ; and so we bring our Sons and our Daughters to be Servants : And some of our Daughters are brought into Bondage already. Neither is it in our Power to redeem them, for other Men have our Lands and Vineyards.

“ And I was very angry when I heard their Cry and these Words ; then I consulted with myself, and I rebuked the Nobles of the Rulers, and said unto them, Ye exact Usury every one of his brother. ——— And I set a great Assembly against them, (Mob some calls it ;) ——— and I said unto them, we, after our Ability, have redeemed our Brethren the Jews, which were sold unto the Heathen, and will you even sell your Brethren, or shall they be sold unto us ? ——— Then held they their Peace, and found nothing to answer. Also I said, it is not good that ye do ; ought ye not to walk in the fear of our God, because of the reproach of the heathen our enemies ?

I likewise, and my brethren, and my servants, might exact of them money and corn ; I pray you let us leave off this usury. Restore, I pray you,

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to them, even this day, their land, their vineyards, their olive-yards, and their houses, also the hundredth part of the money, and of the corn, the wine, and the oil, that ye exact of them.

“ Then said they, We will restore them, and will require nothing of them; so will we do as thou sayest. Then I called the priests, and took an oath of them, that they should do according to this promise. Also I shook my lap, and said, So God shake out every man from his house, and from his labour, that performeth not this promise, even thus be he shaken out, and emptied.”

The Justice done the Poor in this Passage far exceeds what is aimed at in this Motion. There cannot be the same Arguments used against us, as might and no doubt would have been in this mighty degenerate Age, had we petitioned for Relief in a full and similar Case.

It is to be feared too many of our Rulers have an eye to make a Prey of these poor People, because an Opinion seems to be propagated, that it is Criminal to cut a Tree down off the vacant Lands. Whether this Notion took its Rise from the great Men's making Tar and Turpentine on vacant Lands, which is a quite different Case, or from the Motive's above mentioned, I would advise no honest Man to suffer such an Opinion to take Place with him; for the Thing is so inhuman and base, that you will not find a man but he will deny and clear himself, or hide such a Design as long as he can, which must proceed from his Conceptions of the Heinousness thereof.

Who can justify the Conduct of any Government who have countenanced and encouraged so many Thousands of poor Families to bestow their All, and the Labour of many Years, to improve a Piece of waste Land, with full Expectation of a Title, to deny them Protection from being robed of it

all

all by a few roguish Individuals, who never bestowed a Farthing thereon?

And, 3dly, That this has been the Sense of all the British Legislations; and that the contrary Doctrine is as contrary to Nature and Justice as the Story of the Dog in the Manger. To evince this a little, requires to be said no other than the constant Instructions to all his Majesty's colonies, though grossly abused; such as Head Rights, the Cultivation Clause, in all our Patents ——— and the Necessity of applying for an Order of council to obtain any larger Grants. Nothing is more hurtful to the Common Wealth, than for individuals to hold unreasonable quantities of lands, and rent them out to the Poor. A Traveller may know when he rides through such Lands, by the bad Husbandry and discontented Looks of the People. These Sentiments of Justice are so natural, that they strike every Man in the same Light, and it is to be hoped will do so for ever.

A S E R M O N.

GEN. 49th Chap. Verses 14, 15, and 21.

Issachar is a strong ass, couching down between two burdens.

And he saw that rest was good, and the land that it was pleasant; and bowed his shoulder to bear, and became a servant to tribute.

Naphtali is a hind let loose: he giveth goodly words.

WE find it very usual in the Old Testament by the figure of a beast to point out the Image of a people.

The text under consideration, is perhaps as apt and lively a representation of Issachar's character, as any in the whole Bible, or any people whatsoever; and may serve to discover the people of Issachar's character down to this day.—

They

They were a tribe of Israel,——and an inactive people towards the good of posterity and mankind in General; they loved rest and present ease more than liberty,——and choosed to be Slaves rather than exert themselves to maintain their liberties.——He saw the land was good, and rest was pleasant to him; he bowed his shoulder to bear, and became a servant to tribute to pay heavy taxes.——We have many such Issachars in this day.——Our text is a prophesy in the present tense,——a thing usual in the Hebrew writings,——it is Jacob foretelling the character of Issachar, and the contrary character of Naphtali.

Jacob is the first that is mentioned in scripture who preached to asses; but many have been thus employed since his time.——This is a most shameful monosyllable, when applied to reasonable creatures; ——men endowed with reason and understanding to degenerate so basely; what a falling off is here!

He was a numerous tribe, far too many to be so mean spirited.——A nation of slaves is a kingdom of asses;——it is dishonourable rest and disgraceful pleasure that is established upon the ruin of the common weal.

What does these burdens mean, which Issachar couched down so decently under? Civil and religious slavery no doubt. Strange, that such a number of Rational creatures should bear two such insupportable burdens!——Ah, I had forgot that they were asses;——for, to be sure, no people of any rational spirit could endure such grievous bondage.

But who need wonder at Issachar's mean spirited condition, when many of those who have the light, and sit under the teaching of protestant and reformed ministers, have tamely couched down under these two burdens of civil and religious oppression.——Indeed this slovenly character too
well

well fits all Europe.——I wish it was gone out of the world.

A horse is a generous animal ; tractable, but not abject ;——so obedience to just laws, and subjection to slavery, is two very different things ; the first characterizes a people wise and good, the latter base, mean spirited and servile.——It is understanding that makes men good subjects.——Ignorance makes them slaves.——A strong ass, in the original word, denotes strength, but implies leanness.——And truly all those who submit to slavery are poor. We have not a word of his motion ;——he was strong, but not active to assert his rights and privileges.

Rest was pleasant to him ;——and thus it happens now, we sit still at ease, trusting to the good of the land, and concluding, every one, I can live out my time in peace and quiet ;——forgetting our posterity, and mourning not for the afflictions of Joseph.

When men thus degenetate, they will always find some ready to fix burdens on them ; for slavery don't come in a day, it is a work of time to make men perfect Slaves.

Indeed when men are conquered and overpowered, and forced to submit to bondage, it is no crime ; but when through laziness, and love of a little ease they give up the publick welfare, they are unworthy of the protection of Heaven for rejecting its Government, and giving way thus by little and little.

It is wonderful to think what custom will do ; it is called second nature, and justly so, for thro' long use and habit, men will stoop to, yea help to fix on, their own burdens.

Iffachar stooped down ; he well deserved a heavy burden for his meanness ;——it is a just reward ;——for such as do not value freedom and liberty, before a little present ease, deserve to be slaves.——They are blessings too valuable to be

be enjoyed without care and industry to maintain them.

Providence has ordered slavery to prevail on such as certainly, as cold and darkness does in a winter's night, that they who make no industry, must lay cold and grope in the dark.

It is amazing to think how creatures, of the same frame and constitution, endowed with the same power and capacities, should become so submissively the slaves of others.

When all the faculties, and passions are engaged in pursuing their various and proper objects, according as nature directs and requires, it will be a miracle if men do not jostle themselves clear of unreasonable burdens.——And any people or nation who have a true sense of property and liberty will be zealous to establish them for posterity, and seek to propagate them both at home and abroad.

These two burdens, civil and religious oppression, are laid on by the power of princes and the power of priests.

In the burden of civil oppression is contained so much as the prince and his officers have need of for all the purposes of their pride and ambition;—to which passions there is no end, but will comprehend Item for every thing a man possesseth.

And in the burden of religious oppression is contained so much as the priest-hood have need of for the same purposes;——whose pride and cruelty exceed that of princes.——In nations where it has had a growth, and where it prevails, such as in Popish countries, where this burden contains in it Item for all things in heaven and in earth, here you must believe nothing contrary to the judgment of the church;——but must believe almost every thing else, however absurd,——the Bible only is excluded out of this heavy burden.

And in case any prove refractory, there is the inquisition, which has many spurs for such asses; and they may kick and spurn as they will, but may

as well think of bringing Rome to London as to think to throw of this burden.

Here is dungeons, where light or sun-shine never enter.——The very pictures of the mansions of the dead;——tortures; which furies in council only could contrive, are here the sad monitors of obedience to miserable mortals. Strange, that nothing else could be contrived to convince the consciences of men to believe the truth but what is fit for the most stubborn and slothful animal.——Can bodily torture convince the mind? Can hunger and pain reconcile contradiction?—Kind Jesus, this was never thy contrivance, whose law is love; whose conduct is all mercy.

How can kingdoms bear such a yoke? how can millions of reasonable creatures submit to such unreasonable slavery?

It must have cost much time and pains, and that too by help of some infernal spirit, to deprive men thus of their sense and reason;——the human mind is also subject to sad depravity to submit to such abject bondage and slavery.—Can it be natural to men thus to degenerate into a state of brutal stupifaction? So many millions of rational beings, endowed with moral capacities, having the full exercise of the corporal functions, to submit to be treated like brutes, what a shocking consideration? Could they not have freed themselves, by making use of those powers the author of nature hath endowed them with? Ah no! not now.——They have lost their guide, reason; that guide of mankind is enslaved, and held himself a captive by servile superstition.

But there is some original cause for this degeneracy from the pure principles of nature. The leaders of the people cause them to err;——Reason is duped by the passions;——for, those who have address enough to command the one will also overcome the other; and when men's eyes are put out, they grope in the dark.

dark. ————— Oh what can possess men in sacred offices thus to play the devil with their fellow creatures!

Interest, sordid self-interest is the cause; ————— the clergy, instead of pointing out the way of righteousness, do treat their congregations like asses, and keeps them in ignorance. ————— But who gave them that right and such preeminence; are not all men equally free; hath not God of one blood made all the kindreds of the earth. But thoughtless mortals gave up their privileges through indolence and inactivity. ————— In Popish countries, where men are no sooner out of the hands of their nurses than they fall into the hands of the priests, whose leading maxim is to keep them ignorant, and abjectively submissive to all authority, ————— how can they understand their interest. But them who first gave up those privileges, justly deserve to bear a heavy burden.

But Italy and Spain are not the only places where people believe absurdities; ————— in a land where freedom has been the privilege and boast of every subject, we may, perhaps, find plenty of asses. ————— You will say, not in America, a land renowned for all sorts of liberty; ————— A nation to which there is none equal upon the face of the earth, as we know of. In some provinces in America this may have been the case; ————— but we, in North-Carolina, are not free; ————— yet to the king, or to the plan of our constitution, nothing can be laid that tends to effect our Liberties. ————— But we have sold that liberty which our ancestors left us by this constitution to such men as have not the least pretensions to rule over us.

Are we free while our laws are disapproved of by nine tenths of us? ————— Are we free while it is out of our power to obtain one law that is our choice? ————— Take out our oppressors themselves, and many of our laws are disagreeable to the inhabitants to a man: And worse than all this,

this, for bad as our laws are, the practice of them is worse, and our oppressors have got out of reach of them.

Kings who rule arbitrarily, generally claim their authority by some indefeasible right or other;—but those oppressors of ours have no other claim but a sale we have voluntarily made to them of our liberty.——But this was an unlawful bargain of sale; a drunken bargain.

Ye who, like Issachar, for the love of ease, or the gratification of some sordid passion, have sold your liberties, and submit to burdens, as unnatural as they are unreasonable,——your character is drawn, in the text, to that of asses.——And worse than asses you are, who thus give up the cause of your country either to civil or religious dominators.

What a different sound has the character of Naphtali;——Naphtali is a hind let loose; he giveth goodly words; he was an assertor of liberty.——God give all men a knowledge of their privileges, and a true zeal to maintain them.

Issachar, I wish thy children had all died in the first generation;——for thy offspring is too numerous; they are in church and state; whoever will attend any place of concourse will find many of thy descendants so stupid, that they every day bring themselves under burdens they might easily prevent.

Some burdens are fixed on us by former generations, that the most industrious cannot get clear of now.——Heaven grant us help in this case.

But shurely we live under a government where grievances will be considered if faithfully represented;——and it is our own fault if we bear burdens. The bondage is heavy, and the cry has been loud; but proper means of redress is by too many neglected.——It is to be feared we are not all prepared for deliverance; for if we do not apply for it earnestly, we do but groan like asses, and do not bestir ourselves.

I shall

I shall now consider some grievous oppressions that we labour under.

2dly, Shew the reason and cause thereof;—and,

3dly, Consider a method to have them removed.

First, The Publick taxes is an unequal burden on the poor of this province, by reason the poorest man is taxed as high as the richest. Allowing the taxes to be all necessary, yet there ought to be some regard had to the strength of the beast; for all asses are not equally strong. We ought to be taxed according to the profits of each man's estate. And as we have no trade to circulate money, this tax ought to be paid in country produce. There would be men enough to be found to fill all posts of office for a salary paid in produce, as any man can afford to officiate in an office for country produce as well as to farm or follow any other calling, the chief of which bring in nothing else.

This is a grievous burden on the poor, as matters have been carried on, for money is not to be had: And when a poor man's goods is distrained, the practice has been to take double, treble, yea ten times the value has sometimes been taken away.—— And if they complain, they are not heard; if they resist, they are belaboured like asses.

Merciful Lord, would any people rise in mobs to disturb a peaceable nation if they could help it! Who is more ready than the poor to venture their lives in time of war for the safety of the nation? nay it is pinching hunger and cold, brought on them by abuse of officers, that is the cause.

A few men may rise in a riot without a Cause; and disaffected lords and great men may have such ambitious views, encouraged by some enemy prince;——but for the generality of the poor of a Province to rise, there must be some cause; I dare say there always is a grievous cause.

Neither is it any reflection on the king, to say, the poor are oppressed; for he don't make our laws:——'Tis the subjects themselves, like
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the fish, devouring one another, with this difference, we are devoured by law.

The narrow limits of our inferior court's jurisdiction, and likewise of a single magistrate, is a grievous burden on both poor and rich; and more so as we are obliged to see lawyers; and in their demands they have got above the law, and have monopolized the whole power of the Courts into their own hands. Our burdens exceeds Issachar's; for truly we may be said to labour under three, ——— the lawyers use us as we do our stocks, they kill one here and there, or pluck us well, and then let us run a while to feather again.

We must make these men subject to the laws, or they will enslave the whole community.—— General and private musters are also an unnecessary burden, especially in our large counties, the out sides of which have to ride from thirty to fifty miles; and the out sides of a county contain more than the heart. Going to one of these musters generally costs a whole week's labour.—— And on the whole, costs the counties at least a Thousand Pounds each. A general muster is one week's loss in a year, which is one-fiftieth part of the year.—— Four private musters one week more, which is one twenty-fifth part.—— Working on the roads and attending courts, will soon reduce it to one-twelfth part of our time.—— And of what service is all this cost attending the militia law? It serves to bring custom to a few Ordinary-Keepers, and for a day of gaiety and feasting to a few individuals, who have been vain enough sometimes to publish such a day's diversion in distant Gazettes.

With what indignation must a poor ass read such a paragraph of such vain boasting of such a crowd of poor asses, faint with hunger, cold and thirst, laying out two or three nights by a fire in the woods, to perform this journey; destitute even of a great coat or a blanket; and of no use under the sun but to make a show of grandeur to a few

a few who, perhaps, are the most unworthy in the county.

This excess has not been practised perhaps in many counties ;——But it is not amiss to check it, lest it should grow, and you be tied neck and heels for the least affront, and made to ride the wooden mare.——It is enough to make a free-man's flesh creep to read this law ;——which might be more tolerable, were the people allowed to choose their own officers.——It would be needless to mention every circumstance of oppression in this, which is yet but the civil burden.

Next comes the religious ;— In this many conscientious good men are debarred from the privilege of serving the publick.——Our ancestors secured us so well from this burden, that it is even a shame to see how we have let those laws creep in over us ; which could not be done but under colour of our consent.

In Britain, the clergy endeavour to make us believe that tithes and church-rates are of divine institution. This pretended right of demanding church dues, more than the secular power gives, is treating men like asses. Indeed it is depriving them both of their money and senses at the same time. Though men of any religion obey the laws when once made, yet they cannot believe the church has any other claim but what the Magistrate gives her ;——yet, when they pay, they will both think and say they are ill applied, and the king is badly informed.——Christians, though they may bear burdens, when they can obtain no redress, yet they are worse than asses thus tamely to consent to creating of them ;——and when they know they cannot be created without their consent.

To think the posterity of a people, whose fathers had purchased them a freedom with the price of their blood and fortunes, that they should basely

basely sell that freedom for a pot of ale, and a shake of the hand, in flattery and deciet, is a most shocking consideration.

What a weak religion must it be, that needs any thing to support it but what proceeds from voluntary consent and good will. It is strange that the Christian religion cannot maintain its ground by the same means that it gained it.

I was educated myself in the principles of the church of England, and have duly examined most other dissenting sects, and I can't say any of them is sounder or freer from error in their principles than she.——But this maintaining of the clergy, by establishment, suppose it don't corrupt a true minister, yet it is the very cause that makes ordinary wicked lazy men creep into orders, purely for a livelihood or office of profit, to get gain in an easy any lazy way.

And as to the different sects, I look upon all of them to have been by good men at first;——and we see they all degenerate in time as well as she.

These different sects and opinions are a balance to the sad depravity which the human mind is subject to; for had nature allowed it to have been possible for any one sect to have been so established by Law, as to have been wholly secured from the Attacks of, and from being exposed by, dissenting sects,——no absurdity in the world but could have been imposed on the human mind.——Neither do I know that it is an article of the church of England to force a maintenance for their Clergy; or that it is in any of their creeds, but rather a practice of Rome, kept up by the carnal men among them.——And I make no doubt but there is carnal men enough among the rulers of any of the dissenting sects to carry a majority among themselves to have the same establishment, could they persuade or have interest enough in the state to do it.——So that while I expose this antichristian practice, I would

I would not be understood to strike at the church of England more than any other that might have power to force the same maintenance.

When the Scriptures is given to make the man of God perfect, do not any sect whatsoever accuse them of imperfection when they make other fences against error, which are accounted more fit to guard men against heresy, than the scriptures themselves?

What occasion to introduce any other System of Religion either with or besides the scriptures, if they be sufficient to make men perfect in all things pertaining to godliness? ——— Do men think they can express themselves more intelligibly than the holy spirit, or commend the truth more clearly to other men's conscience?

2dly To proceed to the second head; ——— The reason of all civil and religious impositions hath been the slothfulness of the people, ——— who act like great men who commit the care of their estates to stewards. Such men as are intrusted by the community with their privileges, if they be not wise and good, will sell them, or give them away. And one cause of our complaints is, that we look not to our Business ourselves; but think, as soon as we have elected civil or religious governors, we may fall asleep in pleasure, indolence and inattention. ——— When they degenerate into Tyrants; as much of the blame lays on the community as upon them; ——— for had those who employed them watched over them as they ought, and given them timely admonition, they might have prevented them from ruining both their own souls as well as the publick interest.

The indolence of a people is a temptation to governors to turn usurpers. ——— In a free country like ours, where assembly-men are voted by a free Election, and are not to be perpetual, it would be easy to have all the laws agreeable to the Body of the people. We loose our liberty by

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not asserting it properly.——It serves no purpose to cry out against government and officers if we don't properly bestir ourselves.

One reason why we have so few men who concern themselves properly in maintaining our rights, is a very capital error that prevails among most dissenting sects, that this is a business that belongs to the world.

Christians is the light of the world——this is a most certain truth;——and when the state is deprived of the light of so many christians as is among dissenters, her light becomes almost quite darkness. For there is a certain proportion of christians in all ages who ought to be the light of the world, and to govern the churches. The government of their particular churches, set up among one another, is only helps to the government over the whole; and is no ways different in its nature. So that if it is necessary to choose christians to sit in synods, presbyteries, associations or yearly meetings, so it is necessary to have such in assemblies.

I shall now proceed to the 3d head, to consider of a method to remove these burdens.

When the time of an election comes on, and those men of the world, who rule by wealth, and whose business it is to corrupt their fellow subjects, and cheat them by flattery and corruption; out of their liberty come to ask your votes,——do you despise their offers, and say to them, Your money perish with you.

Can it be supposed that such men will take care of your interest who begin with debauching your morals, and ruining your souls by drunkenness?——Will that man have the least regard for your civil interest and property who first attempts to ruin your virtue?——What opinion must they have of such people, who, for a few days riot and
gluttony

gluttony will sell their liberties, but that they are asses, that want to be watered?

While men are thus slaves to their lusts, they will never be free. Men that do so easily sell their souls will not value their country.——Where there is no virtue, there can be no liberty;——it is all licentiousness. What Issachars are such People who gives their votes for a man who neither fears God nor loves mankind! who, by the very method that he pursues to obtain his election, deserves to forfeit the favour and esteem of all lovers of virtue and honesty. Whom can they blame for their oppression but themselves; their own hands do make the fetters by which they are bound. Those who lay out so much money upon an election, has it in their view to make you pay for it in the round.

Secondly, Forever despise that man who has betray'd the liberty of his constituents; this will lay a restraint upon the venal disposition of such as Incline to sell their country for Preferment. It would be a check to hinder them from going into the schemes of a Governor.——Never send those who depend on favour for a living, or on the perplexity of the laws, nor any who have ever discovered a want of good principles.

North-Carolinians, if you remain under these burdens, it must be your own faults;——you will stand recorded for asses to all generations if you do not assert your privileges before it is too late to recover them.

It is not disloyalty, nor injurious, to give Instructions to the candidates you choose, and take their solemn promise and obligation, that they will follow those instructions. This is far more noble than rioting a few days in drunkenness. Assembly-men are your servants, and it is but reasonable they be made accountable to you for their conduct.

Mark any clerk, lawyer or Scotch merchant, or any sett of men, who are connected with certain companies,

companies, callings and combinations, whose interests jar with the interest of the publick good.— And when they come to solicit you with invitations to entertainments, &c. shun them as you would the pestilence.—— Send a man who is the choice of the country, and not one who sets up himself, and is the choice of a party; whose interest clashes with the good of the publick. Send a christian, or a man whom you think in your consciences is a real honest good man;—— for this is the christian, let his belief, as to creeds, and opinions be what it will.

Beware of being corrupted by flattery, for such men study the art of managing those springs of action within us, and will easily make us slaves by our own consent.—— There is more passions than one that these men work upon; there is drunkenness, love of honour, flattery of great men, love of interest, preferment, or some worldly advantage.—— They, by taking hold of these springs within us, insensibly lead us into bondage.

When any man, who has much of this world, so that his interest weighs down a great number of his poor neighbours, and employs that interest contrary to the principles of virtue and honesty, any person of the least discernment may see he is a curse to the nation.

When men's votes is solicited, or over-awed by some superiors, the election is not free.—— Men in power and of large fortunes threaten us out of our liberty, by the weight of their interest.

North-Carolinians, Are you sensible what you are doing, when, for some small favour, or sordid gratification, you sell your votes to such as want to enslave your country? —— you are publishing to all the world, that you are asses.—— You are despised already by the sister colonies.— You are hurting your trade; for men of publick generous

generous spirits, who have fortunes to promote trade, are discouraged from coming among you.

You are also encouraging your own assembly-men to inflave you ; for when they, who are elected, see that those who had a right to elect them had no concern for their true interest, but that they were elected by chance, or power of their own, or some great man's interest, such men will be the more ready to vote in the assembly with as much indifference about the interest of their constituents as they had in voting them in.

You may always suspect every one who over-awes or wants to corrupt you ; the same person will load you with burdens. You may easily find out who was tools to the governor, and who concurred in past assemblies to lay burdens on us, the edifice, paying the troops, the associates salaries, &c. Send not one of them ever any more ; let them stand as beacons ; set a mark on them, that ages to come may hold their memories in abhorrence.

May not Carolina cry and utter her voice, and say, That she will have her publick accounts settled ; that she will have her lawyers and officers subject to the laws.———That she will pay no taxes but what are agreeable to law.———That she will pay no officer nor lawyer any more fees than the law allows.———That she will hold conferences to consult her representatives, and give them instructions ; and make it a condition of their election, that they assert their privileges in the assembly, and cry aloud for appeal of all oppressive laws.

Finally, My brethren, whenever it is in your power, take care to have the house of assembly filled with good honest and faithful men ; and encourage and instruct them on all occasions : And be sure to let your elections be no expence to them.

S E R M O N II.

NUMB. xxii. 21,—30.

And Balaam rose up in the morning, and saddled his ass, and went with the princes of Moab.—And the ass said unto Balaam, Am not I thine ass upon which thou hast ridden ever since I was thine?

TH E R E must be some matter of importance on hand, no doubt, when a man of Balaam's character is up so early.—The king of Moab had sent for him, promising him riches and honour on certain conditions, *to wit*, if he would come and curse Israel.

The leaders and teachers of people in all ages have been well disposed to serve men in power.—We have seen the leaders of divers sects of christians, who was lately employed the same way;—But it is necessary to know first what this curse meant.

The greatest part of states-men in almost every age meant no more by religion than to make it an engine of state-policy, or a tool of secular interest; for the common people will not always submit to the oppressive means of rulers, without the help or the influence of their own teachers.—And we must observe, that though Balaam seems not to have been of the same religion of the king of Moab, yet many, or the greatest part of Balak's subjects, might have been of Balaam's religion, which made it necessary for the king of Moab to apply to him.

Had we as many to instruct us truly, as in fact we have to seduce us, we should find things very different from what they are;—for when both the civil and religious rulers are engaged in one interest to seduce mankind, if the Almighty was not at the head of the administration,

tion, it is hard to say where the end might be.

Well, by the correspondence between the king of Moab and Balaam, we find the concern was about the growth and advances of an ignorant people, who had lately revolted from under their task-masters, the Egyptians.

Well, Balak, was it from thee, and thy prophet Balaam, that states-men have all learnt to apply to the prophets of all or any religion to curse and give a bad name to God's peculiar and chosen people; which all such are, who engage together to throw off the yoke of slavery, and are advancing from under Egyptian bondage to a land of freedom and liberty?

Whether they learnt it from thee or not, they have never failed to join in an alliance on such occasions.

Israel, no doubt, had a good name among the king of Moab's religious subjects; for such would naturally, from a love of liberty, incline to favour Israel, and encourage them in their journey, rather than hinder them. — Therefore there must be some method found out to give them a bad name. Sermons must be calculated to render them odious, before he could raise troops, or raise his militia against them. — This was the curse; Balak says, them whom thou cursest is cursed; — that is, give them a bad name, and preach against their proceedings, and all thy followers will engage with spirit and resolution against them.

Something like this we have seen in our day. Perhaps it happened with Balak (which obliged him to have recourse to Balaam) as it did with the officers of our province, in the case of the regulation, that was, that his own prophets, perhaps of the established religion, told him, if he would do justice, and act fair and reasonable with those people, he need not raise a man against them.

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It is a wonder Balaam, who by all likelihood, was a dissenter, who generally are looked on to be more pious than those of an established religion, should thus fall ;——— but Balak tempted him with honour and riches.——— A very strong temptation I confess, besides the novelty, for I suppose Balaam never received a letter from a governor before in all his life, nor ever had the honour to dine with one before.

Most people I find account Balaam a wizard or conjurer, rather than a good man ;——— for my part I see no reason from the Scripture account of him to think so, but that he had hitherto been a very good man. And though he was too far taken in this snare, yet he seems to have struggled hard, and stood to the truth, to the last, insomuch that he lost his preferment.

If Balaam must be accounted such, a very bad man, because he fell before this temptation, what shall we think of our modern prophets, who did not hesitate one hour, but joined with a much less temptation, (honour only, for I never heard of any money) and made no bones to curse, or give a bad name to a similar people ; yea cut off some of their own members, and join with a set of under officers, whose actions and extortions the laws, though handled by themselves, have condemned ; and were it possible to reach the Royal Ear, with our just cries against them, He would abhor and detest their wicked combinations.

Balaam, I confess, loved the wages of unrighteousness too much ; his conduct with the Almighty seems to have been similar to some men who have too strong a desire after drink, or to gratify some other lustful passion, who will plead with conscience, and contrive a hundred ways to gain its consent.——— I have heard a drunken man say, he has made excuses in himself to go out with his gun, and kept working all day in his mind, till he had got the tippling-house between him and home, when he has instantly got in a great hurry

hurry to get home by the dram-shop, and arguing, that now he really needed one dram;—has got so blinded by this time as, like Balaam, no more to see the angel that stood in his way.

We generally get in a hurry of business before we can lose sight or get shut of our guide. ———Lo, Balaam gets in great haste, was up early, and saddled his ass.

And no doubt but his heart was full of the hopes of the rewards, full of great expectations, and perhaps was telling over in his mind what large sums of money he should bring home, and how he should be honoured by the princes of Moab; and meditating, may be, what a pious work he would put the money to. ———The lord had given him leave to go, but no doubt he ought to have kept cool and resigned, and not have got in such a hurry, and filled his mind with such proclamations, that he could not see his guide that was to direct his steps. Well, he is so blind, however, that conscience was invisible to him, ———when, on a sudden, the ass started aside, and crushed his foot against the wall.

This ass seems to resemble the people over whom the prophets are wont to rule, who never are apt to start aside any more than asses, until the madness of the prophets become so visible, that forces one now and then to reprove them, who, perhaps, never opened their mouths before.

When the Lord opened the mouth of the ass to speak in human stile, one would have thought it would have frightened any man almost out of his senses. ———But Balaam was not easily frightened; but he was for caining and killing her.

So when any poor ass now a-days opens her mouth in human stile, or by way of teaching and reproving the rulers, they use him as Balaam did his ass, cane him with discipline, and threaten

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him

him with excommunication as the pharisees did the man who was born blind.

And Balaam's ass spoke much like the complaints of an enslaved people.——Am not I thine ass?

Balaam had his ass saddled and prepared for mounting before he got on to ride; ——so likewise it requires some pains and furniture to prepare a people to bear a yoke of slavery.——In the civil administration, their general cry is to maintain courts of justice.——In matters of religious concern, it is necessary to have the people well persuaded of the rights and importance of the clergy, and the divinity of creeds and canons of churches, before they will submit to be mounted and ridden like asses.

The Jure Divino of episcopacy and presbytery are pieces of furniture that prophets prepare for their asses.——And when once they can persuade the people they have power to make laws that binds the consciences of the whole community, they have the seat of their saddle made.

Then they must have a deal of straps, girths and other furniture, as well to bind it fast on as to sit easy, commodious and decent; ——besides, a staff in their hands to belabour such asses as start aside.

The discipline of churches, by which they issue excommunication and censures, resemble this staff; for it is evident, when christians begin to think for themselves, and question the infallibility of any of their laws or creeds, if they are ever so well convinced in their own minds, or if conscience stand ever so much in their way, as the angel before the ass, it is no matter of consequence to the prophets that rule them, they must suffer for their impertinence, and be belaboured for their disobedience.——And many complain as simple as the ass, ——are not we your asses?

There

There are some that start now and then, who continue on their way; they are ever crying out against degeneracy in churches and church governors, but continue good subjects, and bear all their impositions.——These are braying noisy asses its true, but they mean nothing.——If they are started now and then by conscience, God's messenger standing in their way, yet a degree of sound discipline, which may affect their reputation or worldly interest, will make them return to the old path, and say, are not we thine asses; and be ready to make some other apology besides the truth for their conduct?

The articles and creeds of some churches;—and the Confession of Faith and Order of Baptism among the Presbyterians;——and the book of discipline, fringed with Barclay's Anarchy of the Ranters, among the Quakers, are like the two great laps of Balaam's saddle;——all which is to be well girted on by the strong terms of words; agreement of the Westminster Divines;——authority of the wisdom of the truth, &c.——By such trappings as these, the clergy is supported; for they could not ride without their saddle.

Were the common people once to receive nothing as their creed but the Scriptures, the clergy would soon have no more authority than what their good service and good conversation procured them.——Good men will always respect them as long as they are examples of goodness, and condescend to men of low degree; but will laugh at clerical jurisdiction, and reject all religious dictators.

When mankind are once instructed in their natural and constitutional rights and privileges, they will not only complain, but struggle hard to get clear of oppression.

Wise men know what it is to obey just laws, but will never tamely submit to slavery and bondage; to submit to arbitrary government without resistance,

sistance, argues the want of a sense of the rights of human nature, and of our constitutions.

The first slavery that men are generally brought under, is that of the mind; for while the mind acts freely, and is kept clear of the chains of ignorance and prejudice, it would be very difficult to enslave them.——It therefore requires the aid of false Teachers to seduce mankind before a state can deprive them of their civil liberties and privileges. It is a most certain fact, though not often noticed, that the blending of civil and religious offices, sacred and secular things, has been an introduction to slavery in all nations where arbitrary government has been introduced.

When ministers assume the province of a magistrate, to make laws, and punish dissenters, they come lords over the people in a double respect;—then men will not dare to express the Truth; because of a double danger of being heartily cursed by the priest, and severely punished by the magistrate; the mind being thus cramped in her operations, turns servile in her affections; the consequence is ignorance and bondage.

This alliance also makes the teachers indolent in the discharge of the most material part of their duty; which is to instruct men in the Principles of knowledge, and free their minds from the power of ignorance.——This they cannot do without first teaching them the rights of private judgment, and the liberty they have of judging for themselves in all things which respect the conscience. But when their advantage does not rise from their instructing mankind, but in keeping them ignorant of their true interest, they will seldom be disposed to teach them what would soon let them into the secrets of their policy.——For did men understand their own liberties, the clergy would have no asses to ride upon to carry them to riches and preferment.

If mankind considered themselves equally concerned with what pertained to their conscience, and that they must answer for themselves in the day of judgment, they would never give consent to such an alliance, where the right of individuals to judge for themselves in matters of the last consequence is entirely taken away.

It matters not a pin what religion it is that is established; for if the civil power would make a law for circumcision, and annex emoluments to it, the prophets would train asses to submit to the slavery.

Even among dissenters, where the clergy get money only by voluntary consent, it is evident that too many men of hypocritical and corrupt principles do creep into these livings: And though many more make a pretty good figure of christianity in common calm times; yet when Balak tempts, or persecution threatens, they give way.

————None but a true minister of Jesus Christ will venture their lives and fortunes for the sheep, or for their privileges and liberties; ————— and this number is generally very small, while the others are very numerous, by reason they have so much encouragment; for there is scarce a man, of ever so mean a character, who assumes the prophet, but will find plenty of asses to answer his purpose.

But who would think that any of this character could be found in America, the very toast of nations for pretensions to freedom and liberty?

————Yet, true it is, herein we may find slaves in abundance; and more particularly in this province. Here we shall find men called freeholders, voting contrary to their consciences, bearing burdens like Issachar through their own sloth and want of spirit. —————

Here we may find justices of the peace who dare not discharge their consciences, nor make use of their own judgments to administer justice, for fear of the power and frowns of lawyers. —————

Here we shall find
men

men called free-thinkers conforming to other men's creeds.——Here you may find oaths and tests imposed to keep conscientious good men from serving the publick.——And here you may also find many of the sons of Balaam to break the stubborn and perverse temper of untractable asses, having in custody all the trapping and furniture fitting to keep them in order.——Here you find some staggering under a burden of taxes;——Some under restraints not to speak, or even swear the truth; some with articles of religion, some with tests, some with creeds and covenants, and some with oaths; and upon the top of these burdens, in order to guide the asses, some of Balaam's children always sitting: Who, at every threatening of their tyrannical masters, after starting a little, returning and saying, Are not we thine asses, upon which thou hast ridden ever since we were thine?

The E N D.

P. S. There is one thing more that I think necessary to inform the publick of, which is this; When we were so discouraged and attacked by our officers, Scotch merchants and Balaams, as you may see before, and at the meeting of 21st of May, No. VII, We at that meeting came to a resolution, that if the governor was against us, and we could get no redress no way, we would, rather than rise in riots, agree not to go to law at all, but leave our Differences to arbitrations; and accordingly we had a subscription paper for that purpose: But when it was read, our opposers seemed to resent it as more criminal than all we ever had done before.——Howel, who waited on the Governor at Brunswick, had this paper with him; and as he was complaining of the court, &c. the governor says to him, Why does the people go to law one with another? if they get so little justice at the law, can't they leave their differences to arbitration.

Howel

Howel replies, We intend to do so, and have a paper drawn up for that purpose; which, if your Excellency pleases, you may peruse, and give it your approbation.—The Governor read it, and got in as great a passion with it as our officers did; and ordered Howel to burn it,—— which I suppose he did; for it was never seen among us since.—But at our last sitting in Assembly, we having sent a bill to the upper house for a single justice to try Five Pounds, and a Bill laying greater Penalties on lawyers for extortion, and for better explaining the former law in that case;—But as the bills were detained, the same expedient presented itself to the members, and a large number out of the house concluded to enter into such a resolution, to recommend it to their constituents not to trouble the law at all, and so starve out our adversaries, similar to the general resolutions of non-importation of British goods.—But many being taken sick, and the Governor dissolving them, every one being in a hurry home, I suppose it was forgot.

I being informed that the very same thing was on foot in several counties in Maryland, and on my relation of these motions with us, the Marylanders begged me to push that motion, for that if ever it took place in one province it would take immediately in all; for that the Oppression we sustain by the lawyers combinations, and usurpations over the law, and ingrossing the whole business of the courts into their own power, is one of the greater evils we labour under, and are in danger of; therefore I have accordingly added this to remind our members, and their constituents to give them in charge, not to forget this another time.

☞ The reader may easily observe, the foregoing piece to be an unfinished work, not only because the scene is not ended, but, even so far as we have gone, it is like a rich lady stripped of her rich attire and ornaments, and reduced to the habit

habit of a slave; or like a confused handful of rich kernels picked out of the sheels.——The occasion of which was the necessity we were in to pick out only the most material parts of what would have afforded a much larger and necessary piece, and that not only to save the expence, but, in reality, because we were pinched for time and opportunity.——So that we expect this affair will not end without further particulars worthy notice; which, perhaps, will be hereafter published with a second edition of this, with an addition of its ornaments and attire.

To fill up this last half sheet, we will add so much of a piece that our Governor sent to our last assembly as we can insert in it; which will show that our jealousies of the bad application of the publick money were well grounded; the piece is as follows, viz.

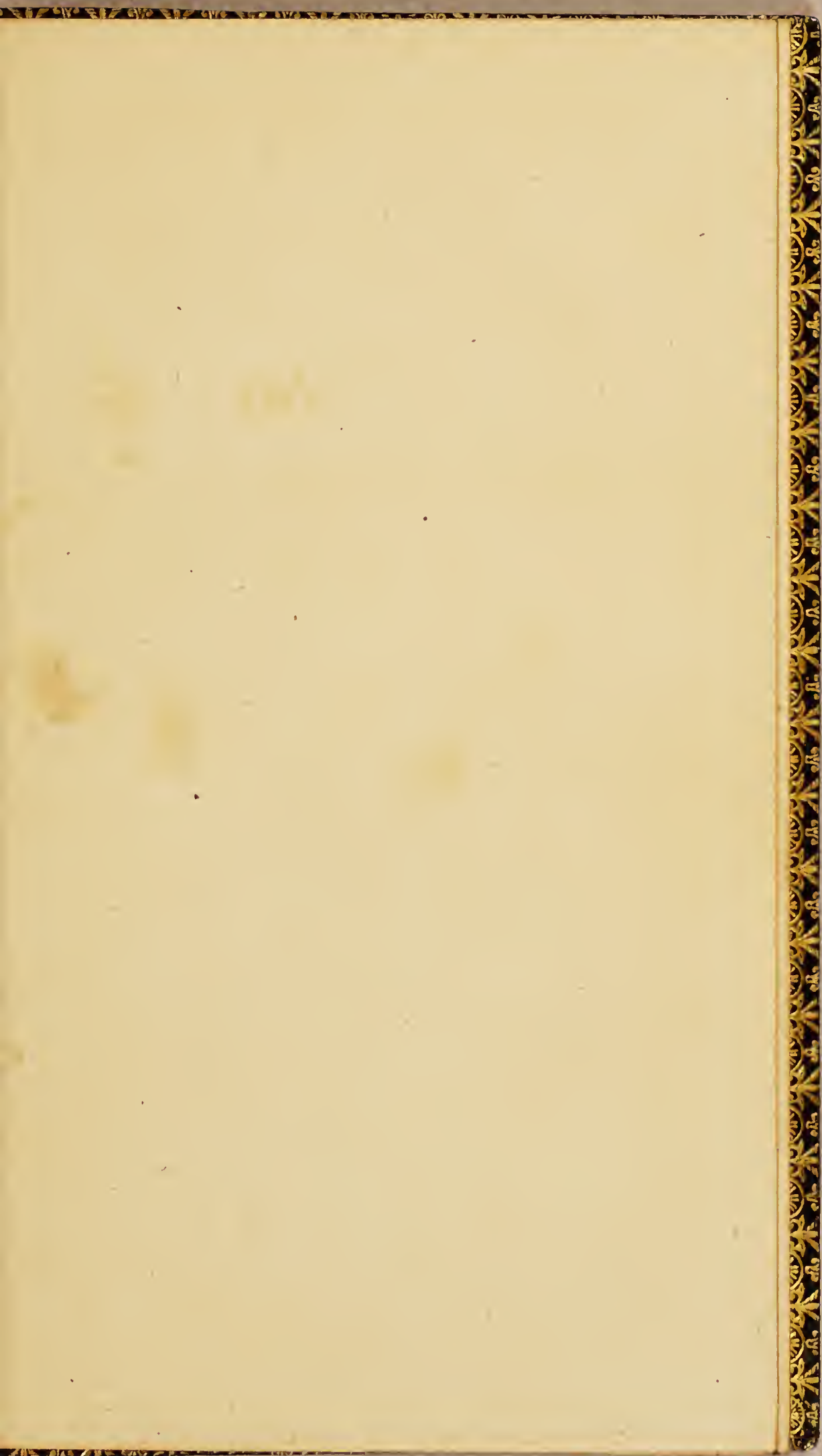
North-Carolina, Newbern, October 31, 1769.

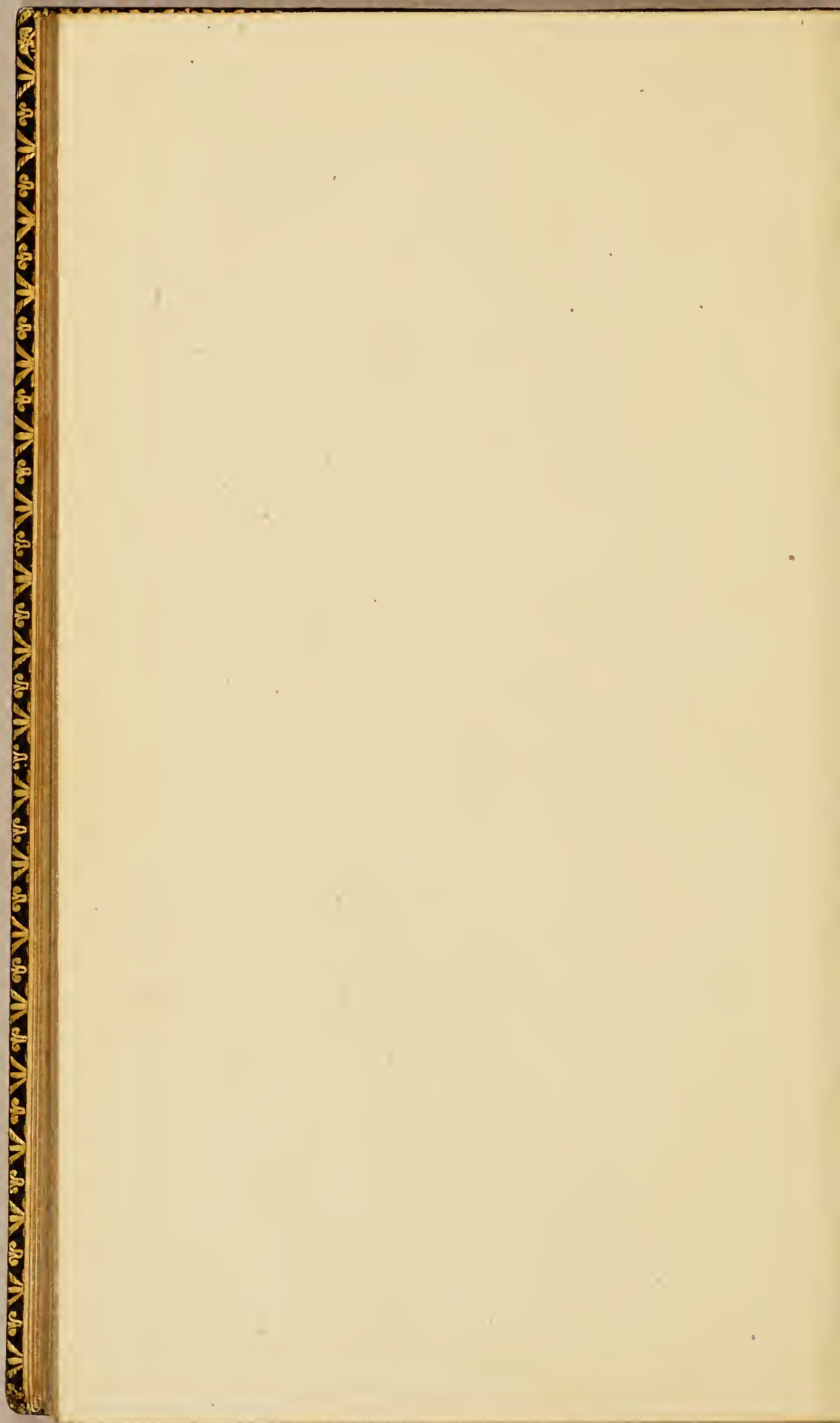
THE Fact is too well known to admit of a Denial, that in a long Course of Years past, great Sums of the Public Money have been lost by the Negligence or Insolvency of Sheriffs, and other Collectors, with their Sureties.

And it is presumed, that in the same Course of Time, considerable Sums have sunk, after they were lodged in the Public Treasury, whereof no Account has hitherto been made.

A Law of this Province, lately passed will, if executed with Vigour, probably, in a great Measure, prevent, for the Time to come, the first of these Mischiefs; and a Law to prevent the latter, might be of great public Utility, for Mankind never part with their Money, either for private or public Benefit, so readily, as when assured that it must be honestly applied for the Purposes intended.

A constant, regular, plain, and uniform Method of keeping the Books of Accounts of the Public Revenue, and of stating and settling these Accounts, may prevent such Abuses, and make it extremely difficult, if not impracticable, to embezzle the Public Money.——





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